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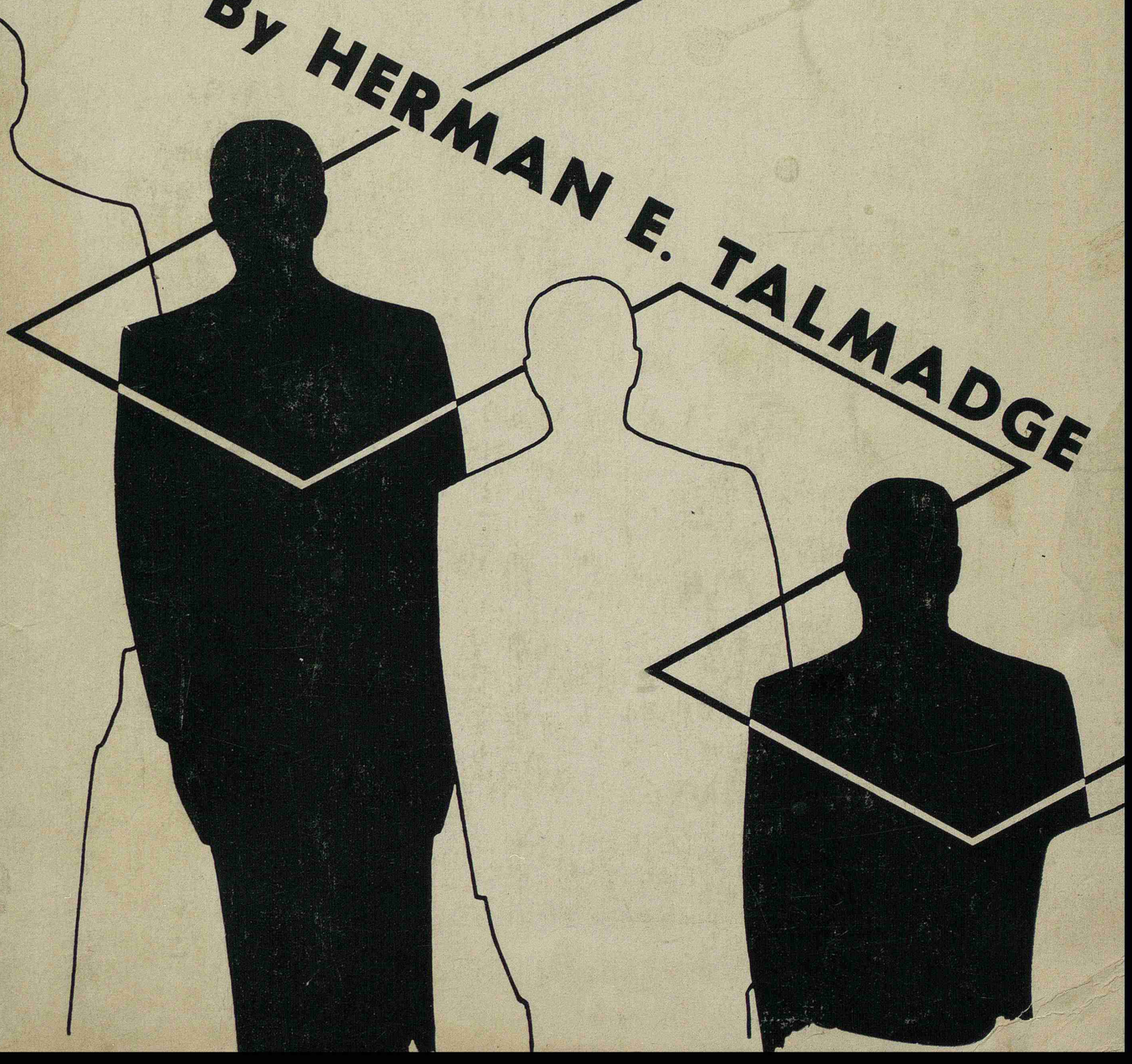
You AND SEGREGATION

BY HERMAN E. TALMADGE



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By

HERMAN E. TALMADGE

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INTRODUCTION

The horror and cruelty of the Communistic "brain-washing" of our prisoners of war in Red China shocked and sickened the free world.

We asked ourselves how such a thing could happen in a civilized world. We wondered if it might happen to us. We wondered if we, as individuals, might be able to withstand this treatment.

The American people owe an everlasting debt of gratitude to those fighting men who were able to withstand those inhumane ordeals. They did not let our nation down.

That is more than can be said for many people right here in the United States, who have never had to fight the Communists on the battlefields or in prisoner of war camps.

For over a decade now, the American people have been undergoing another form of vicious and dangerous "brain-washing."

It is so cunning and subtle that few of us have been able to recognize it. Yet, it too, is being directed by the most notorious "brain-washers" the world has ever known, the international Communists.

Stop and think for a moment.

How many times have you read in your newspapers and magazines or heard over the airwaves this question:

"What will Russia say if our government does this?"

How many times have you read or heard this:

"What will the Reds say if we don't do this?" or "What will the Communist newspaper *Pravda* print about the United States because we do this or that?"

In some instances we have shaped our national policy by trying to please the Communists.

On other occasions we have waited to establish a national policy until the Communists have acted. We are afraid they will criticize us before the world if we do not.

We have seen and are seeing our Bill of Rights endangered by trying to appease the Reds.

Too many things are being done in our country and by our country because we keep looking back over our shoulders at the Communists.

Who cares what the Reds say? Who cares what *Pravda* prints?

These are questions I have asked myself many times.

And these are the answers I give when asked, "What will the Communists say about the stand you Southerners take on racial segregation?" or "Wouldn't the end of segregation stop Moscow and *Pravda* from slandering the United States?"

Who cares what the Communists say! Who cares what *Pravda* prints!

Many writers and commentators work themselves into a lather when they disagree with some domestic happenings or issues. They worry about providing "grist for the Red propaganda mill."

I wonder if these people have forgotten the glorious heritage of our nation? I wonder if they have forgotten such fearless patriots as George Washington, Thomas Jefferson, Patrick Henry, Andrew Jackson, Abraham Lincoln and others who did not care in the least what any foreign power said or thought about our domestic problems.

The Communists have no God, no conscience and no honor. They do not agree with a single one of our ideas about liberty and justice. In fact, every Communist is sworn to overthrow our form of government by force and violence.

Every single word of our hallowed Declaration of Independence and Constitution is repugnant to the Marxist doctrine of Communism.

The whole Communist line is based upon lies and deception. No matter what the United States Government and its people say or do, it will never please the Reds, the dictators in the Kremlin, nor the newspaper *Pravda*—unless we destroy the Bill of Rights to our Constitution.

Communists will lie, cheat, blackmail, steal and murder to carry out their aims. The Kremlin will change its position on any matter overnight to accomplish its goals—the destruction of liberty, justice, and the capitalistic system of free enterprise.

Why, then, should any one of us care what the Reds think about our domestic policies?

During the six years I served as Governor of the State of Georgia, I enjoyed being one of the whipping boys of the Communists and their propaganda machine.

While they were making lots of noise about what I was doing to and against the Negroes of our State, my administration was not deterred in keeping its pledges to the citizens of Georgia.

I had promised that segregated public schools would be maintained. This was done.

I had promised salary increases for all our public school teachers. This was done. I had promised to place all the public school teachers on an equal salary basis. This was done, and I received thanks from the Negro teachers for this.

The need for new school buildings in the State was great. The State School Building Authority was authorized, and almost $200,000,000 was provided for public school buildings. Approximately one-half of this sum went for Negro schools despite the fact that only one-third of the State's population is Negro.

Fifty-three per cent of the State's total income was appropriated for education, the highest ratio in the nation.

Over $3,715,000 was expended for buildings and dormitories at Negro colleges and universities.

On my recommendation, the Georgia General Assembly appropriated over $500,000 for the construction of a modern, fireproof, 1,000-bed

psychiatric hospital for Negro patients. This hospital, which has been praised as one of the best in the nation by mental health authorities, replaced a dilapidated broken-down fire trap. It is interesting to note that the National Association for the Advancement of Colored People had not protested the condition of the old hospital building or its over-crowding. Perhaps it was because the Negro mental patients there could not vote or pay dues to the NAACP!

A new $476,000 Academy for the Negro Blind was constructed during my administration and has been described by educational authorities as the most modern in the nation.

Approximately the same amount was expended for new buildings at the State School for the Negro Deaf.

These are some of the things that were done for Negro citizens of Georgia during my administration as Governor.

Yet, the Communists, their fellow travelers and the NAACP call me an enemy of the Negro race.

The thoughtful and well-informed Negroes of Georgia know the truth. They know I am not their enemy.

They do know, however, that I am an enemy of the Communists, of fellow travelers and of the NAACP, all of whom would destroy the Bill of Rights and our American way of life.

On this count I plead guilty!

Chapter 1

THE REAL ISSUE

WILL YOU listen, Americans? What I have to say is as important to those of you who live in Maine or Michigan or any other state as it is to us in the South.

Regardless of where you live in the United States, it affects you as much as it does me or any other Southerner.

We have a tradition of segregation in the South. It has proven itself to the best interest of both races. Its continuance is of extreme importance to us—and to you.

Because, regardless of where you live, more than segregation is at stake. Important as segregation is to us, the far reaching and all embracing May 17, 1954 "decision" of the United States Supreme Court has even more important implications. They directly affect every citizen of this nation.

Make no mistake about it. The issue is your freedom.

Now let me tell you why.

Today, a three-way attack is being made on our Bill of Rights, as the first Ten Amendments are known. If this attack is successful, the Republic we cherish and love shall surely fall. Shocking though it may be, at this very moment we are losing the fight to protect our Bill of Rights.

Vicious attacks are being made on three different articles in the Bill of Rights. Different groups, in different manners, and for supposedly different purposes are leading them.

Strangely enough, only one group stands to gain if all these attacks on the Bill of Rights are successful. That group is the Communist party and its fellow-travelers. No one else in the United States will gain a thing if our Bill of Rights is wrecked.

And remember that when one article of that priceless document is weakened or destroyed, all are in danger of falling.

The Attack on States' Rights

The first article in the Bill of Rights—in the name of "democracy" of course—is the Tenth Article, commonly called the States' Rights amendment.

It was placed in the Bill of Rights to our Constitution for a specific purpose.

The Founding Fathers spelled out the powers of the Federal Government and its executive, legislative and judicial departments. They specified in detail the powers granted solely to the Federal Government, then the states granted these powers by ratifying the Constitution. However, nothing was mentioned in the original Constitution about the powers of the individual states, nor about the rights of the individuals.

Thomas Jefferson, James Madison and their friends were not satisfied with the Constitution as originally written. Private citizens in the states were dissatisfied also. Much opposition to the Constitution spread throughout the nation because the Constitution did not go far enough. The people demanded additional protection for themselves as citizens and for additional checks on the Federal Government. Had not the leaders promised the amendments which we now call the Bill of Rights, the new Constitution would not have been ratified. This is an undisputable fact of history. Out of these demands, then, came the first Ten Amendments.

Jefferson, Madison and their associates knew that the best government is the government closest to the people. They knew that government on the local level is under the watchful eyes of its citizens. They realized that the local governments would be the only ones which could really serve the citizens in their every day lives. They knew, too, that vigilant citizens on the local level were able to see corruption and tyranny quickly, whenever they raise their ugly heads.

Americans had just fought a long and bloody revolution against an all-powerful, central government which had no concern for individual citizens or local self-government. Our forefathers were determined to prevent the same thing happening to the United States.

In the Bill of Rights they wrote the Tenth Article:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

For the first one hundred and fifty years of our history all political parties strongly supported and strictly adhered to these principles of local self-government.

However, in recent years a new philosophy of thought proposes that only our National Government is qualified to determine what is in the best interest of all our citizens.

This philosophy was encouraged by those who wanted to see a highly centralized, socialized Federal Government with powers to regulate the daily lives and the private businesses of all the people.

These people, and the groups they represent, realize that before we can have an all-powerful socialized Federal Government, the rights of the several states and the rights of the individual citizens must be curtailed, then eventually destroyed.

Meanwhile, selfish pressure groups began taking advantage of this situation for their own gains. In so doing, they encouraged and supported the socialistic planners. Finally, the planners were able to stand on the side-

lines. From there they let the pressure groups carry on the battle for them in the first all-out assault on the Tenth Amendment.

In this instance the National Association for the Advancement of Colored People carried out the attack. Surprisingly enough, it found ready allies in two Attorneys General of the United States, first under President Truman, and lately under President Eisenhower. The official legal department of the Federal Government entered into law suits as a "friend of the court" and attempted to destroy the rights of the States, which in reality are the rights of the people.

The United States Supreme Court, shockingly, listened to the NAACP and the United States Attorney General. Then by its official edicts and decrees it became a party to destroying one of the articles in the Bill of Rights.

The Attack on the Fifth Amendment

But the assault on the Bill of Rights did not stop there.

A second attack was made, and is still being made, on the Fifth Article or Amendment. It reads:

"No person shall be held to answer for a capital, or other infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The first real all-out attack on this amendment came when President Truman attempted to seize the steel mills of the nation during the strikes while the Korean War was in progress. Truman, as Commander-in-Chief of the Armed Forces justified his seizure in the name of a "National Emergency" despite the prohibition of the Fifth Amendment. The seizure was attempted without due process of law and without just compensation.

Here again, as in the case of the attacks on the Tenth Amendment, the Attorney General of the United States gave his aid and support.

The United States Supreme Court prevented this destruction of the Fifth Amendment by only two votes. Think of it! If only two more Justices had backed the Truman order, the right of the President to seize private property by Executive decree would have been established. A legal dictatorship would have been an accomplished fact and the Fifth Amendment destroyed. Yet, three members of the nation's highest Court tried to give the President that power!

Lately, another cunning and subtle attack has been made on the Fifth Amendment. Communists and fellow travelers have been hiding behind this amendment and refusing to testify before Congressional Committees investigating subversive activities in this nation.

It is a deliberate scheme to arouse the anger of many Americans, who realize the amendment was never intended to protect traitors. So often and

so arrogantly do the Communists use the Fifth Amendment, that many loyal and patriotic Americans actually feel that the Amendment should be weakened.

That is exactly what the Communists want. They use the Fifth Amendment in such a way as to blacken it in the eyes of loyal Americans, hoping to destroy it.

The Attack on the First Amendment

The latest attack on the Bill of Rights is being made on the First Article or Amendment. It guarantees the right of free speech, a free press and freedom of religious worship.

Here again we find the attack against this portion of our Bill of Rights being led and directed by the Attorney General of the United States. It is being made under the name of "monopolistic practices," because newspapers have developed a proven, successful and fair business policy of paying advertising agencies a standard commission for advertising sold by those agencies to newspapers.

If the Attorney General is successful in this fight, and if the United States Supreme Court follows his recommendations as it did in the attacks on the Tenth Amendment, then a majority of the newspapers in the United States will be eliminated and freedom of the press destroyed.

Now, who stands to gain the most if local self-governments, the protective Fifth Amendment and freedom of the press is destroyed?

Only the Communists!

It is frightening, tragic, dangerous and certainly unconstitutional for the Attorney General of the United States to direct the attacks on these three fundamental articles of the Bill of Rights.

It is even more alarming that in the two attacks reaching the highest Court, the Attorney General has been supported in his assaults by members of the United States Supreme Court.

Surely, our Founding Fathers never intended the Court to be a party to destroying the Constitution and its Bill of Rights.

Chapter 2

THE SUPREME COURT AND THE BILL OF RIGHTS

THE QUESTION of the duties and responsibilities of the United States Supreme Court caused one of the most heated debates during the Constitutional Convention in 1787.

All of the states except Rhode Island sent delegates to the historic meeting. Of the fifty-five men who attended, thirty-nine had served in the Continental Congress. Eight had signed the Declaration of Independence. Seven had been governors of their states and twenty-one had fought in the Revolutionary army. Most of them were lawyers, at least half of whom had attended college. Most of them were moderately well off financially.

These men understood fully and believed sincerely the everlasting political truth that no man or group of men can be trusted safely with unlimited governmental power.

In writing the Constitution of this new Republic, they were determined above all else, to establish a government of laws and not of men.

This was their guiding principle.

To accomplish this and to prevent the arbitrary exercise of power in the new government, they provided and placed in the Federal Constitution the doctrine of the separation of governmental authority.

They vested in the Congress the powers to make laws; in the President the power to execute the laws; and in the Supreme Court the power to interpret laws. Moreover, these patriots declared that the legislative, the executive and the judicial powers of the Federal Government should forever remain separate and distinct from each other.

However, the members of the Constitutional Congress did not put their sole reliance in the doctrine of the separation of governmental powers. Against the power of Congress to make laws, they balanced the power of the President to veto acts of Congress. Then they balanced the power of Congress over the treasury against the President's power as Commander and Chief of the Army and Navy and furthermore gave the Congress the power to over-ride the President's veto.

They made the Supreme Court of the United States independent of the President and the Congress. They did this by giving its judges life tenure

during good behavior and by providing that their pay should not be reduced while they held office.

But although definite checks and balances were placed on the President and the Congress, nothing was put in the Constitution to restrain the Supreme Court of the United States from abusing its judicial power.

The Supreme Court is Supreme

This failure touched off a great debate. George Mason, a Virginia delegate, made this wise observation, "The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states."

Mason pointed out that under the Constitution the decisions of the Supreme Court of the United States would "not be in any manner subject to revision or correction; that the power of construing the laws would enable the Supreme Court to mold them into whatever shape it should think proper; that the Supreme Court of the United States could substitute its own pleasure for the law of the land; and that errors and usurpations of the Supreme Court of the United States would be uncontrolled and remediless."

Elbridge Gerry, a Massachusetts delegate, declared, "There are no well defined limits of the Judiciary Powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, thus far shalt thou go and no further, and as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be Herculean labour to attempt to describe the dangers with which they are replete."

Other delegates, who had fought the despotism of the English King and his government were also greatly concerned. They had placed certain restraints on the President and on the Congress, but none on the third branch of the government, the judiciary.

Alexander Hamilton, the great Federalist, was quick to reject these arguments with this emphatic assertion, "The supposed danger of the Judiciary encroachments is in reality, a phantom." This was true, he asserted, because men selected to sit on the Supreme Court of the United States would "be chosen with a view of those qualifications which fit men for the stations of Judges," and that they would give "that inflexible and uniform adherence to legal rules which we perceive to be indispensable in the courts of justice."

Hamilton explained his belief and conviction in this manner, "It has been frequently remarked with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived, from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence, it is that there can be but few men in society,

who will have sufficient skill in the laws to qualify them for the station of Judges."

Hamilton seems to have won a majority of the delegates to his way of thinking by convincing them that only the most qualified and experienced judges would ever be appointed or allowed to sit on the United States Supreme Court bench.

The Constitutional Congress submitted its work to the peoples of the several States and it was finally adopted in 1789 despite much opposition to parts of the Constitution.

Citizens in all of the states were asking questions as to why certain basic laws had not been spelled out in the document. It is true that the powers of the Federal Government were enumerated, but "what about the rights of the individuals and the states?" they asked.

The clamor grew louder. The people were worried. They did not like the idea of the new Constitution failing to include the very principles for which they had fought the British crown.

The Bill of Rights

James Madison and Thomas Jefferson knew the people were right in their demands. So these two statesmen wrote the basic amendments to the Constitution which we now know as the "Bill of Rights." They are simple, forthright and easily understood. They followed the pattern of the original Constitution. Where that document had enumerated the powers of the Federal Government and its executive, legislative and judicial branches in detail, Madison and Jefferson enumerated the rights of the individuals.

These first ten amendments, comprising the Bill of Rights, may be compared to the Ten Commandments. They are both "Thou Shall Not" documents, one for a nation founded under God; the other for a people living under God.

The first nine of the amendments in the Bill of Rights granted or guaranteed the individual liberties which we enjoy today and which stand in sharp contrast to the total lack of liberty in totalitarian states.

These amendments, which every school boy should know, guarantee us the rights of freedom of speech, freedom of religion, freedom of assembly, the right of trial by a jury of our peers, the right of Habeas Corpus, the right to make bail pending trial, freedom against illegal search or seizure, freedom against the quartering of troops in private homes except in time of war, and other guarantees to INDIVIDUAL citizens.

The Tenth Amendment in the Bill of Rights was considered by Madison, Jefferson and other founding fathers as just as important as the first nine.

The Amendment means exactly what it says. "All powers not delegated to the United States by the Constitution, nor prohibited . . . are reserved to the States, or to the people."

This language is so plain and clear that anyone with a fifth grade education can read it and readily understand it.

When this great document, the Bill of Rights, was adopted, our leaders realized that the people in each State, county, city and town are better qualified to handle their own local problems than are officials of the Federal Government, be they the Executive, the Legislative or the Judicial departments.

They anticipated a time when the United States would stretch from the Atlantic to the Pacific Ocean and from Mexico to Canada. There was quite a fight, you will remember, over the problem of apportioning representation in Congress among large and small States. Members from some of the Atlantic seaboard States were determined to write the law so as to prevent the West from ever controlling Congress. The present plan we have now was adopted then as a compromise and is one of the wisest provisions in our Constitution.

They realized and recognized that the problems of each state would be different. Therefore, they set up our dual system of government with sovereign authority resting in the hands of the local people.

History has proven them right. History has also proven that Alexander Hamilton was wrong in his predictions concerning members appointed to the Supreme Court.

Chapter 3

THE SUPREME COURT AND THE CONSTITUTION

IF WE ARE to understand the decisions of the United States Supreme Court in recent years then we must first look at the background and individual records of its members.

Remember, Alexander Hamilton had assured the members of the Constitutional Congress that the men selected to sit on the Supreme Court of the United States would be men able and willing to subject themselves to the restraint inherent in the judicial processes. Experience makes his necessity indisputable. It is the mental discipline which causes the qualified and unbiased judge to put away his personal opinion of what the law ought to be and to base his decisions on time honored, established legal precedents and rules.

Hamilton showed how such mental discipline is acquired. It is the product of long and faithful labor as a judge of an appellate or trial court of general jurisdiction, or as a practicing attorney of many years in these same courts. It cannot be acquired by occupying an executive or legislative office. The Founding Fathers were determined that the three branches of our government should remain forever separate.

Judges and attorneys work in the ordinary everyday life and death world wherein our ordinary citizens live, work and die.

The law to them is a set of stable and reliable rules to govern the conduct of the people. These men respect established legal doctrine.

Citizens of the United States are entiled to know and to have assurance that the law will not mean something today and something else tomorrow. This is necessary and vital to the welfare of any organized society and to prevent legal chaos.

For many years after the adoption of the Constitution, Hamilton's idea concerning the appointments made to the United States Supreme Court, with few exceptions, was followed closely. Men of the highest legal training and experience were advanced to the highest court, many from lower federal courts or from higher state courts. These men were able and willing to subject themselves to the restraint so aptly described by Hamilton, and believed that it is the duty of the judge to interpret the law, not to make it.

The beginning of the era of the political court came after President Franklin Roosevelt failed in his attempt to force his court-packing proposal through the Congress. He then began his practice of filling vacancies with men who had scant regard for judicial processes, but whose political philosophy overrode all other considerations. This practice continued through the administration of President Truman and into the administration of President Eisenhower.

How Good Are Our Judges?

Let us look now at the complexion of the present membership of the United States Supreme Court and see if the Justices meet the requirements as enumerated and understood by the members of the Constitutional Congress.

Some of these men served in the Congress, some with the executive branch of the federal government as Attorney General, Solicitor General or on some commission. Some of them were law professors. One has been a governor.

However, no member of the United States Supreme Court, as it is now constituted, ever served as a judge of a court of general jurisdiction, either State or Federal. (What was it that Mr. Hamilton said?)

No member of the present Court has ever served as a judge upon an appellate court in any one of the forty-eight states.

Only two of the nine members of the present Court ever served as an appellate judge on any Federal Court inferior to the Supreme Court before he was elevated to his present office. Shockingly enough, few of the present members devoted their major efforts to the actual practice of law as a full time profession.

Is it not possible that the members of the Supreme Court in recent years, because of their lack of judicial training and experience, have substituted their own notion of what our laws should be for the actual laws as passed by Congress?

No matter how intellectually brilliant these men may be, no matter what experience they have had in the legislative and executive branches of government, no matter what lofty motives and ideals they may possess, they are not qualified for the highest judicial office in a government of laws unless they are able and freely willing to subject themselves to the restraint inherent and necessary in our judicial process.

The Constitution was written and adopted on the principle that this would be a nation governed by laws—not men!

Many great Constitutional authorities have been shocked and have publicly expressed grave concern for the many opinions rendered in recent years which have overthrown decisions rendered and reaffirmed, time and time again, by the Supreme Court in years past. Legal precedent, it seems, has little place in the thinking of the present Supreme Court.

The late Mr. Justice Robert H. Jackson in *Brown v. Allen* wrote:

"But I know of no way that we can have equal justice under the law except we have some law."

Former Justice Owen J. Roberts, when a member of the Court, wrote in his dissenting opinion in *Smith v. Allwright:*

"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this Tribunal into the same class as a restricted railroad ticket, good for this day and train only."

Sam J. Ervin, Jr., a distinguished former justice of the North Carolina Supreme Court and now a United States Senator, declared in a public address:

"Recent decisions make it manifest that the Supreme Court has usurped the power to nullify acts of Congress. Perhaps the most glaring of these decisions was in *Girouard v. United States*, where the Court overruled three previous decisions and a subsequent confirming act of Congress simply because a majority of its members did not believe that Congress had exercised its legislative power wisely in denying the privilege of citizenship to aliens who were unwilling to bear arms in defense of this country. To be sure, the majority of the Court did not say that it thought Congress had legislated unwisely. But a statement to this effect would have been a far better reason for its decision than any of those it gave."

Politics Has No Place in Court

As far back as 1821 Thomas Jefferson realized the danger inherent in the United States Supreme Court seeking to usurp functions of the executive and legislative branches of the government through arbitrary judicial decree.

In the book containing the letters of Thomas Jefferson, edited by Samuel J. Padover, is a letter Jefferson wrote to one C. Hammond. This letter clearly shows that he foresaw what might happen to this nation by judge-made laws.

Jefferson wrote in this letter:

"It has long, however, been my opinion, and I have never shrunk from its expression (although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion), the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body (for impeachment is scarcely a scare-crow) working like gravity by night and by day, gaining a little today and little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one.

"To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one govern-

ment or another, and will become as venal and oppressive as the government from which we separated.

"It will be as in Europe, where every man must be either pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same work-shop.

"If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians."

Jefferson's perception over one hundred and twenty years ago attests the greatness of the man. It bids all to give heed to the wise words he wrote in this letter.

The warning of Jefferson has become prophecy fulfilled. This is true in the public school segregation cases, as well as the case so ably described by Judge Ervin. It is also true in many other rulings made by the Court in recent years.

Yet, there are those among us who say the Court is always right. They say the Court cannot err. They would have us accept any and all decisions without question. They would have us bow before the altar of the Court in every instance.

Respect for law and order is one thing. Respect for political decrees by the Court is another. If there is disrespect for the Court, then the Court has no one to blame but itself. By its decrees, its edicts, its overruling of long established decisions of prior Supreme Courts, it has shown utter disregard for legal precedents and time-honored judicial practices.

Congressman James C. Davis had a long and distinguished career as a Superior Court judge in Georgia before going to Washington to represent the Fifth Georgia District, which includes Atlanta. He made a study of the records of the United States Supreme Court and found some startling facts.

From 1937 through 1952, he discovered the United States Supreme Court in at least thirty-two different cases had overruled and swept aside previous decisions of the highest tribunal. These decisions had become the basic laws of our land and some had been in effect for ninety-five years. Seven of these decisions had been by a unanimous vote of prior courts while many were by an 8-0 or 8-1 majority.

In fact, the Court has been so busy overruling prior decisions of the Supreme Court and of Supreme Courts of the various states that students of law have been hard pressed to know just what the present Supreme Court thinks the law is.

The utter disregard by the present Court for prior decisions and long-established judicial precedents has caused many legal experts to completely lose their respect for and confidence in the nation's highest Court.

Chapter 4

STATES' RIGHTS

OUR NATION was established upon the solid foundations of State and Federal governments. In adopting the Constitution, the people of the States rejected the European idea of centralization. Instead, they formulated the American concept of a national government with limited powers. They reserved to the States all authority not delegated.

This system, unique among the nations of the world, was not the result of accident. It was from studied deliberation. The history of mankind had taught our fathers, as it teaches us today, that individual rights and liberties are safest in governments closest to popular control. The preservation of the rights of the States is necessary to preserve the rights of the people.

The so-called civil rights proposals, particularly the FEPC measures, directed against Southern people, are the spawn of an alien ideology which is foreign to the principles of our American system. Violating the rights of the people of the several States, they likewise violate our individual liberty. Once the Federal government is empowered to regulate personal association and activity, there is no phase of life which would be immune from the prying eye of the Federal bureaucrat.

Despite what the Supreme Court says about segregation, the campaign of the Federal government to destroy the public school system of the South is cut from the same unconstitutional cloth. It is part of the program to regiment all phases of life, to regiment the citizen and his children, to regiment the businessman and his business and even to fix the social pattern.

Under the Constitution of the United States, matters relating to public education are the exclusive concern of the States. The schools are supported by state and local taxes. The buildings are paid for by state and local taxes. The teachers are paid by state and local governments. The textbooks are bought by state and local funds.

Nowhere in the Constitution of the United States is there any reference to public schools being any concern of the Federal government. Thus the attempt of that government to intrude upon public school education is usurpation.

The rights of the States of the Union under the Constitution of the United States must be reestablished and retained. Such rights are guaranteed by the Constitution and they are essential to a system of ordered individual liberty.

The Court is Not a School Board

When the Supreme Court of the United States assumed to dictate to the several States how they must or must not operate their public schools, it set itself up as a national school board with powers not granted or implied by the Constitution of the United States.

The Court is holding itself above the legislative branch of our Federal government, above the sovereign States by issuing a legislative decree. It changed the laws which Congress and many of the States legislatures have refused to do for almost ninety years. And when our highest Court usurps powers specifically delegated to the National Congress and to the individual States, we have reached the most dangerous period in our history insofar as individual rights and liberties are concerned.

If the United States Supreme Court can tell the States of Virginia, South Carolina, Delaware or Kansas how they shall or shall not operate their public schools, then it stands to reason that the Court may tell New York, Minnesota and California or any other state how they may or may not operate their various state departments.

If the Supreme Court of the United States is able to ignore completely the Tenth Amendment to the Constitution, then it will be able at some future date, to completely ignore the First Amendment which guarantees the right of free speech, a free press and freedom of religious worship.

When American citizens finally realize that our Federal government and the Supreme Court are both being dictated to and dominated by such political pressure groups as the National Association for the Advancement of Colored People and its satellites, it may not be too late to prevent the loss of these great rights. But time is short.

If there is not a re-awakening to the true values of the Bill of Rights, if there is not a return to the principles upon which this Republic was founded, then our great nation is doomed.

Standing on the sidelines and giving encouragement and support to this constant whittling away of our basic rights are the Communists and their fellow-travelers. They are the only ones who have everything to gain and nothing to lose.

Yet, there are many supposedly patriotic American citizens who openly advocate and support the Supreme Court in its efforts to wear away and bore into the Bill of Rights and the Constitution. All of them do it in the name of "this dynamic democracy."

The leaders of the National Association for the Advancement of Colored People, the professional liberals, many syndicated newspaper columnists, some radio and television commentators, and writers in nationally circulated magazines are preaching constantly that this thing or that should not be allowed in "our democracy."

They say that segregation in any form has no place in "our great democracy." Many of them declare that state laws against intermarriage of the races is in violation of our "highest democratic principles."

Petty politicians in the Congress and the politically inspired United States Supreme Court justices have parroted these cries.

A Republic—Not a Democracy

Could it be possible that these Americans, who talk and write so much about "our democracy" do not know that this nation is a republic and *not* a democracy?

Could it be that they desire a gradual overthrow of our republic and the establishment of a "democracy"—as is advocated by the Communists and fellow-travelers.

Could it be that these groups desire a "democracy" here in the United States where they will be only one race, one religion and one state?

It is evident that many of this group believe only in one mixed, amalgamated race; the anti-God Marxist religion; and one all-powerful central government not segregated by state lines or Constitutional barriers. This is obviously the "true democracy" they talk, write about and proclaim so brashly.

Congressman James E. Van Zandt, of Pennsylvania, called to the attention of the House of Representatives in a speech on March 30, 1953, the difference between a "republic" and a "democracy" in these words:

"The United States of America was established as a constitutional republic. When the Constitutional Convention had completed its labors, a citizen of Philadelphia asked Benjamin Franklin what kind of government had been set up. Franklin replied, 'A republic—if you can keep it.'

"The word 'democracy' is not found in either in the Declaration of Independence or the Constitution. Thomas Jefferson, the founder of the Democratic party, always spoke of 'the Republic' or 'our republican form of government.'

"In all the state papers of Presidents for the first 125 years—from George Washington to Woodrow Wilson—there is no reference to the United States of America as a democracy. Julia Ward Howe did not style her great patriotic anthem The Battle Hymn of the Democracy.

"James Madison distinguished sharply between 'republic' and 'democracy.' Said Madison:

" 'Democracies ever have been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property, and have been in general as short in their lives as they have been violent in their deaths.'

"But centuries earlier Aristotle had written in 322 B. C.:

" 'A democracy when put to the strain grows weak and is supplanted by oligarchy.'

"That is why we always have a demand for governmental controls in times of emergency. The same warning was heard in the declining years of Rome, when Seneca said, in 63 A. D.:

" 'Democracy is more cruel than war or tyrants.'

"In 1918 Woodrow Wilson described World War I as a 'crusade to make the world safe for democracy,' but that word passed quickly from our popular vocabulary.

"Beginning in 1933—the year President Franklin D. Roosevelt extended diplomatic recognition to Communist Russia, we became a democracy and since that time a tremendous Government-supported propaganda has been directed to all young people, to teach them to scorn those who insist that this nation was established as a republic.

"Article IV of the Constitution provides: 'The United States shall guarantee to every State in this Union a republican form of government.'

"Although Communist Russia is recognized universally as the most tyrannical dictatorship in all human history, the Moscow meeting of the Communist Internationale, in 1935, formally decreed that the Soviet Union should henceforth be described as a 'democracy.'

"Soon the principal Communist-front organizations throughout the world began to incorporate the words 'democracy' or 'democratic' in their titles. Thus, in 1935, we found in the United States such Communist organizations as the American League for Peace and Democracy, the Church League for Industrial Democracy, the North American Committee to Aid Spanish Democracy and many more. By 1940 there were more than 60 Communist-front organizations in the United States, each with the word 'democracy' or 'democratic' in its corportate title.

"For more than twenty years we have watched a determined world-wide campaign to make the words communism and democracy synonymous. On the occasion of Stalin's death, in March 1953, the national committee of the Communist party in the United States described the passing of the Communist dictator as a 'tragedy to all democratic humanity.' "

"Under our Republic, government is the servant of the people: under the distorted concepts of godless Communism, 'democracy' has become the master of the people."

It is a national tragedy that so many well meaning people have fallen into the trap of the Communist party line, as has been so ably described by Congressman Van Zandt. They have followed the Communist line in the matter of segregation and have been so completely brain-washed that segregation in any form means a violation of the "highest democratic principles," without realizing the sinister purpose of the Communists.

Chapter 5

POWER POLITICS

FROM THE DAYS of the Reconstruction era until the national election in 1932, a majority of the Negroes always voted Republican. During the administration of Presidents Harding, Coolidge and Hoover, Negroes in the South held high posts in the Republican party. In many of the Southern states the Republican National Committeemen and Committeewomen were Negroes. Even when outstanding White Southerners were active in Republican party affairs and gave strong backing to the party's candidates, they usually were ignored when it came to major party posts such as National Committeemen.

Ben F. Davis, Sr., father of the convicted Negro Communist leader and New York City Councilman, for many years was Republican National Committeeman from Georgia. He handled the patronage for the party in Georgia.

Like a majority of the other voters in the nation, the rank and file of Negro voters turned away from the Republican party during the depression and most of them for the first time voted Democratic.

The Federal relief programs, which followed the election of President Roosevelt, led to city political bosses to make use of these funds for political purposes.

These bosses in the East, Midwest and Far West were quick to recognize that these relief programs offered a golden opportunity to capture and hold great blocs of votes. They centered their efforts on the Negroes, who prior to the 1932 election had systematically voted the Republican ticket. It was a smart move for them and for the Negroes too.

In the first place, the Negroes in those areas needed the help very greatly. They were finding that their friends outside the South were only "fair weather" friends, who talked a lot about the rights of Negroes so long as they remained in the South.

Secondly, the Negroes were very easily controlled at the ballot box when relief food and money depended on how they voted. Negro leaders were trained in the way of city machine politics. Soon they controlled a number of strictly disciplined districts in each large city. Block captains kept in close touch with the residents of their areas. The Negroes were convinced party loyalty brought party favors. In just a short time the city bosses had captured great, new blocs of votes.

Unions and the Negro

With the passage of the National Labor Relations Act, or the Wagner Labor Relations law as it is commonly called, the newly formed Congress of Industrial Organizations began its battle with the American Federation of Labor over unionizing American industry.

The C. I. O. concentrated its unionizing in mass-production industries instead of in craft industries, as had been the policy of the A.F. of L. for many years. Negroes in these large industries were included by the C. I. O. from the beginning. Segregation went out the window and soon the C. I. O. was pushing Negroes into positions of leadership in the battle to sign up more Negroes. They were supported in this drive by the National Association for the Advancement of Colored People.

Once these Negro labor leaders were in office, the CIO found that they would be most effective in the key industrial states of New York, Pennsylvania, New Jersey, Ohio, Illinois, Michigan and California. More and more Negroes from the South were flocking into these states and the Negro leaders were waiting to enroll them in the C. I. O. They became an effective voting bloc controlled by their leaders, who were then able to influence, threaten and in some instances intimidate political leaders of those states, as well as national political parties.

These labor leaders were quick to point out to candidates and party leaders that they controlled the "balance of power" in the election. Major political leaders then made almost every concession demanded by them.

The Negro labor leaders, with the backing of the C.I.O. and the NAACP, pushed their advantage fully. Instead of becoming a pawn in the hands of the politicians and the political parties, the politicians and political parties became pawns of this group.

From the election in 1936 to the campaign of 1940, more and more Negroes moved into the great industrial centers of the North, East and Midwest. The CIO saw that they joined their unions and its Political Action Committee. The NAACP saw to it that they became registered voters.

The national political parties and their affiliates in these key states began concentrating on winning the favors of the Negro political leaders. Civil rights legislation was introduced not only in the national Congress, but in a number of these industrial states. Anti-lynching laws and efforts to abolish the poll tax were dangled before the eyes of the Negroes. Thousands were given employment in the various New Deal agencies and bureaus until by 1940 at least 150,000 Negroes were employed in these agencies.

In the presidential election of 1940, the Negro vote was the key factor in many of these states and a majority cast their votes for the Democratic nominees. Having placed their chips on the winning horse, Negro leaders wasted no time in making more demands. Despite the war in Europe and the tension which gripped the whole world, more so-called civil rights legislation was pressed and anti-lynch and anti-poll tax laws were reintroduced. This was despite the fact that there had been few lynchings

in the nation in several years and many states had already dropped the poll tax. These people were not alarmed at gang murders or just plain murder, nor at labor battles and assassinations for they had no vote-getting attractions.

The Tyranny of FEPC

In 1941, as our great industries turned into full production of war goods and our participation in the war was only a few months away, President Roosevelt established by executive order the Committee on Fair Employment Practice. This was announced as a step toward preventing "discrimination in defense plants." This committee was supposed to depend on the pressure of public opinion, but it wasn't long before the FEPC crowd was telling private industry that it must employ certain arbitrary ratios fixed by the committee. It was demanding that newspapers should not publish advertisements in their "help wanted" columns that differentiated between White and Negroes. A nationally known packing concern was asked, "How many Negroes do you have on your board of directors?"

The answer was, "None.""

Then the FEPC representative demanded, "Why?"

Public opinion, war or no war, did not stand for such dictatorial tactics and the FEPC crowd drew in its horns a bit. However, it continued to use its favored position in Washington to run over many small businessmen who wanted no trouble with governmental agencies. Efforts to put the FEPC into national law were defeated in the United States Senate.

However, throughout the war year, pressure was constantly brought on the national administration for more and more "rights" and for more and more political jobs and political concessions.

As the presidential election neared in 1944, both major political parties promised to make the FEPC a permanent agency with full legal status. This promise was made with the avowed purpose of attracting the Negro vote. Governor Thomas E. Dewey, the Republican candidate, also advocated a state FEPC for New York. Legislation was again introduced in the national Congress as both parties made an all-out bid for the Negro vote.

A permanent FEPC would mean the creation of a super state with a life and death hold on individuals and private business. It would deprive business, large and small, of fundamental rights which have made this nation great. It would place an employer at the mercy of all applicants for jobs and at the mercy of a super federal bureau with the power to fine or imprison the employer.

The Fair Employment Practices Act passed in New York state at the urging of Governor Dewey makes it unlawful to "inquire into the original name of the applicant for employment, whose name has been changed by court proceedings or otherwise."

It is unlawful to "require the applicant for employment to produce a birth certificate or baptismal certificate."

It is unlawful to "inquire into the religious denomination of an applicant for employment, his religious affiliations, his church, parish, pastor, or

religious holidays observed, or to inquire into whether an applicant for employment is an atheist."

It is unlawful for "an applicant for employment to be told that this is a Catholic, Protestant or Jewish organization."

Free speech, where art thou?

It is unlawful to require an applicant for employment to affix a photograph to his application, or to inquire into the general military experience of the applicant for employment; or to inquire into his whereabouts during World War I.

It is against the New York FEPC law to inquire whether an applicant for employment is a naturalized or native-born citizen; the date the applicant acquired citizenship; or to inquire into the organizations of which the applicant is a member.

New Jersey, under Republican Governor Driscoll, also passed an FEPC law in an effort to attract this vote to his party. About fifteen states now have such laws and many of them contain provisions as un-American as some of the so-called practices the sincere do-gooders backing the laws were trying to prohibit.

Und Oregon's FEPC laws, an employer may not ask an applicant for a job, "Of what country are you a citizen?" He may not ask anything about the applicant's military experience.

Need I comment on these laws? However, I doubt that few of us ever thought we would live to see the day when it would be unlawful to ask an applicant for a job if he is an American citizen, or if he served his country in time of war, whether he received an honorable discharge. Yet, this FEPC crowd, all bloc voters, have whipped politicians in some states into passing such ridiculous and fantastic laws!

By mid-1945, according to the *Congressional Record*, the national FEPC organization had a Negro as deputy chairman; a Negro as chief hearings examiner, and Negroes as secretary to the chairman, secretary to the deputy, and a clerk. The chairman and four others in the chairman's office were White.

In the Division of Field Operations the principal fair-practice examiner was one Clarence Mitchell, an official of the National Association for the Advancement of Colored People, and four other Negroes. Throughout the organization at that time over one half of the staffs were Negroes. What kind of ratio was that?

In 1946 another powerful bid was made to force through the Congress a permanent national FEPC. This time it was really dressed up and presented to many sincere and influential people, especially those in the religious world, in anything but its true colors. In March of that year pressure was put on the Federal Council of Churches of Christ to support a permanent FEPC and to enter the fight against segregation. Dr. Benjamin Mays, president of Morehouse College for Negroes in Atlanta, demanded such support in an address before the Council at its meeting in Columbus, Ohio. It is not likely that Dr. Mays told the assembled delegates that he

was very active in the work of the National Association for the Advancemen of Colored People.

The propaganda machines for a permanent FEPC were turning out reams and reams of high sounding material appealing to the sympathy of fairminded people. They dressed the FEPC up in its Sunday best. It was given a dress of such respectability and coated with such fine religious wrappings that many well meaning citizens endorsed it without ever seeing what lay under its fancy adornments.

Many influential church leaders and church organizations were taken in by the schemes without actually knowing the truth about this evil and dangerous proposal. The Federal Council of Church of Christ in America, the General Conference of the Methodist Church, and many individual ministers in all parts of the nation endorsed a permanent FEPC.

In Atlanta, Georgia, the petition to Congress for a permanent FEPC was wrapped up in words from the Declaration of Independence, signed and sent to Washington. It is significant that in addition to the church leaders, John Wesley Dobbs and C. A. Scott, NAACP leaders in Atlanta, also signed the petition.

When the true facts about FEPC were revealed in the newspapers and by members of Congress dedicated to constitutional government, a number of these ministers regretted having signed the petition. They stated the true facts were not told them by the sponsors of the petition. However, the damage had been done. They had helped wrap a cloak of respectability and religion about FEPC.

Fortunately for our nation, Southern leaders in the Congress, assisted by members from other sections believing in Constitutional government, were able to defeat the FEPC proposals in 1946 and every time it has been brought before the national Congress.

However, the proponents are just marking time.

Chapter 6

BLOC VOTING

BLOC VOTING, as directed by the local branches of the NAACP, can be and usually is one of the most dictatorial practices carried on in our nation today.

When a candidate is approved by the NAACP group, regardless of his qualifications and regardless of the reasons for their support, that candidate can be assured of from eighty-five to ninety percent of the Negro votes cast.

Candidates sometimes make wild promises in order to obtain this support. Then they find themselves captives when elected. The promises might have been made in secret, but soon NAACP leaders publish them for all to know.

This bloc vote is most decisive when two candidates of almost equal strength are in a race. That's when these folks really get control.

In Georgia, there has been an unbroken chain of bloc voting since the White Democratic Primary was ruled out by the United States Supreme Court.

The first case happened in a special election to choose a Congressman to fill an unexpired term from the Fifth District, where Atlanta is located.

In the all-White precincts one candidate led his only opponent by over 500 votes, when all the votes from those precincts were in. However, the Negro precinct vote was held out until the White vote had been made public. Then the Negro precinct reported. The candidate with the 500 majority of White votes received 7 Negro votes and his opponent 961! And the race question had not been an issue in that campaign.

Since that time Atlanta has become accustomed to the bloc vote despite denials by its daily press that such a thing exists. This has been true in the mayor's races, the races for the aldermanic board, and even in the county commission's elections.

The vote in some Negro precincts has been as high as 1,055 Negro votes for one candidate to 70 for his opponent.

In one legislative race in Fulton County, three Atlanta candidates ran on the same platform as a team. Two of them polled over 4,000 Negro votes to about 700 for their opponents, while their third running mate received only 549 votes to his opponents 3,135. One of the NAACP leaders told a White politician after the election, "We just wanted to show you boys how well we control our votes."

In the 1954 Congressional race in Atlanta, Congressman James C. Davis, who was re-elected, received only 540 votes in these bloc-vote controlled precincts to 5,558 for his opponent.

Some time ago a new $400,000 Negro city park was opened in Atlanta, about a year after the city-county election. Negro political leader John Wesley Dobbs, an NAACP official, who was presiding, turned to the officials seated on the platform and said:

"I'm glad to see city and county officials here. This park was one of the promises they made to us in the last election."

Then pointing his finger at Atlanta's mayor, he continued.

"We are still waiting for the Negro fire station in the West End area that was promised us.

"We got this park because we could swap votes and we're not going to be satisfied with anything less than equal rights and opportunities for Atlanta Negroes."

The "captive" officials had to grin and bear it.

In 1947, an Albany, Georgia attorney was selected by Negro citizens as the White citizen of the year who had contributed most to the welfare of the Negro race in that city.

Some months later, this same lawyer was a candidate for mayor. In the election he received only 55 Negro votes to 819 for his opponent.

Bloc Voting Ignores Capabilities

Two years ago in Macon, Georgia, a Negro entered the race for water commissioner. The Macon *Telegraph*, a liberal newspaper, heard rumors that he was a man with a criminal record. In an effort to trace what it thought might be "poison political rumors," its reporters checked police and court records. The rumors were true as far as they went, but they did not include all the criminal charges.

The Macon *Telegraph* printed the criminal record of this candidate, publishing photostatic copies of the court records. At the same time it published a calm, sensible editorial directed to the Negro voters. The editorial urged them to study the man's record and not to support him solely because he was a Negro. It pointed out to do so in the face of his criminal record would be making a farce of their right to vote and would materially damage the good race relations which existed in Macon at that time.

Despite the plea by this liberal newspaper, the candidate in question received eighty percent of the Negro votes and ran third in a list of eight candidates.

While the Atlanta daily newspapers were busy denying there was such a thing as the Negro bloc vote, the Macon and Albany papers were pointing out the dangers and results of bloc voting.

James Gray, the publisher of the Albany *Herald* is not a native Georgian. He came to Albany from the East after World War II. He was shocked and alarmed by what he saw of Negro bloc voting.

In a signed editorial he wrote in part.

"In every one of these contests cited, the racial issue was conspicuous by its absence. There was no overt appeal by any candidate designating himself as a particular friend of the Negroes, opposed by a candidate who was their avowed enemy. But nonetheless, the record shows that in every voting instance, the result was extremely lopsided. Why?

"The whole business can only mean one thing. In some fashion, a definite control is being exerted. And what is worse, this control is not speaking to the electorate as a whole. It is being applied in back rooms for purposes that are not expressed but that can only be surmised by the majority of Albany's citizens. In this kind of subrosa situation, democratic practices can be seized by the throat and throttled for the personal gain of a few self-seekers. In this situation, fairness flies out the window; the 'deal' is paramount.

"Now let's consider our current mayor's race. Because this newspaper, through news articles, has called attention to the building of still another bloc vote, Negro leaders have seen fit to protest violently what they consider to be unfair application of pressure, and in their arguments is the veiled hint that if they are not let alone, the bloc vote will be hurled in defiance. At whom? Why? This newspaper has no candidate in the mayor's race. We have no reason to antagonize Negro political leaders. This newspaper has always considered itself the Negroes' friend by working for social justice and tolerance, by working for a better understanding among the races. But we would not be the Negroes' true friend if we did not speak firmly against insidious political practices that will surely destroy the progress they have made.

"As we have said before in commenting on the dangers of bloc voting, the sharp lesson in all this is that the Negroes, through thoughtless leadership, are defeating their own ends. Only a marked change in their voting conduct, permitting a true record of individual judgments, will obtain for them the consideration and security for which they are striving."

"Unpleasant as it is, Albany, in the approaching primary, is confronted with a political coup. The registration figures show that the Negro vote measures one-third of the total White vote. If that vote is delivered en bloc, as it has been in the past, to any one of the three candidates, that man is it."

"It is time, in our opinion, that community leaders stopped whispering about this flagrant abuse of franchise and face the facts frankly. The bloc vote is here and it is being manipulated for purposes that contribute nothing to the democratic procedures of our community. It has done no good for us to play ostrich and hope for a change. Only strong and decisive measures will prevent this miserable trafficking in votes which serves only the interests of those associated with it.

"It may be that Albany's White Democrats will be compelled to revert to the old caucus idea to protect themselves from an entrenched minority. In his case, a barrier will rise between the two races which will help breed all the resentments and suspicions that thinking Albanians have been striving so hard to overcome. In any event, we must recognize that we are

confronted with an unhealthy political situation in this community which bids fair to restrict, rather than widen, democratic electoral processes. Our community cannot forge ahead if the partisan self-seekers, careless with and indifferent to the privileges of all, are in a position to dictate the rules and the measures by which our city will conduct its affairs."

Regardless of this appeal and warning by their real friend, the Negroes of Albany went their merry way, bloc voting en masse and upsetting the fine race relations which had existed in Albany for many years.

Thurgood Marshall, the NAACP attorney, told a money-raising rally in Atlanta in December, 1952, that "The Negroes in the South are going to get rid of the reactionaries (who oppose NAACP aims), vote them out of office by making alliances with good people of other races."

The national officer bragged about the day coming soon "when Southern Congressmen, Southern senators, Southern governors and Southern mayors and all other officers will come crawling to Negro voters and promise that they will break down segregation in the South."

Only an aroused White Southern electorate will be able to halt and defeat this bloc voting. It will take considerable courage because the leaders will be branded immediately as "bigots who use the race issue to get votes" by segments of the daily press, the League of Women Voters and the do-gooders.

In August, 1955, NAACP leaders in Atlanta announced a drive to register 50,000 Negro voters in preparation for the 1956 election. "We have over 20,000 Negroes registered in Atlanta now, but by next spring we'll have 50,000 at least," they reported.

"We shall do our utmost to have at least 200,000 Negroes registered in the State of Georgia. Other NAACP chapters throughout the South are going all out in this registration drive and Atlanta must lead the way," the leader declared.

The die is cast. The challenge has been issued by the NAACP leaders. We must meet this challenge head-on or submit meekly and undergo a mid-Twentieth Century reconstruction period.

Chapter 7

NAACP

THE LEADER, director and field general in the fight to break down all forms of racial segregation is the National Association for the Advancement of Colored People.

Formed in New York City in 1909, this organization has become the most powerful political pressure group in the United States. Yet, according to reliable published reports in 1955 year books, the total membership of the NAACP in 1954 was approximately 300,000.

Despite its relatively small membership, many politicians outside the South quake in their boots when NAACP leaders shake a finger at them.

The NAACP spokesman in the United States House of Representatives, New York Negro Congressman Adam Clayton Powell, is able to block legislation at will by offering all manner of anti-segregation amendments to pending legislation.

During the 1955 Congressional session, Powell blocked a proposed military reserve bill by his anti-segregation amendment tactics despite a personal plea from the Commander-in-Chief, President Eisenhower, that the legislation was "vital and necessary for national defense."

The President assured him that the non-segregation amendment was not neded because his administration and the Supreme Court had already taken care of that problem and that it was a side issue in the proposed legislation.

Powell, with the full backing of the NAACP, publicly told the president that "there will be no military reserve bill without a non-segregation rider." In other words, non-segregation is more important to Powell and the NAACP than the military defense of this country!

Weak-kneed Congressmen from industrial centers outside the South were afraid to back the President when it meant bucking the NAACP. It became necessary to introduce and pass a substitute military reserve bill, incorporating only parts of the original measure. By courtesy of Powell and the NAACP we have only a pretense of a military reserve force.

Powell became so arrogant in the closing weeks of the 1955 session that one Congressman, who had previously supported his various anti-segregation amendments, became fed up with his tactics in committee meetings and socked him on the chin.

NAACP and Crime

On many occasions the NAACP has come to the support and rescue of convicted criminals who escaped from Southern work camps and fled to Northern states. Whenever these criminals are arrested as fugitives, almost invariably the NAACP legal staff rushes to their support regardless of the crimes for which they were convicted. Quite often, through political pressure, they succeed in preventing the criminal from being returned to the state from which he fled.

A perfect example of this type of good citizenship by the NAACP came to light in August, 1955, in the case of one Edward Brown, a Negro convicted of murder in Georgia, who had fled to Philadelphia.

Look at the record in this case. It shows utter disregard by the NAACP for organized, free society.

Brown's police record includes arrests for burglary, simple larceny, vagrancy and disorderly conduct-resisting arrest, and fleeing over a state line to avoid arrest.

Twice Brown escaped from Georgia work camps. After his second escape, he slipped back into the state to visit a friend. The sob-sisters of the Philadelphia press reported that Brown returned to Georgia to take a "sick friend" back North with him. Regardless of the reason for his return, it was at this time that he committed the murder for which he was arrested, tried, convicted and given a life sentence.

Brown made his third escape in 1950 and went to Philadelphia. He was arrested there March 31, 1952 and shortly afterwards Governor John S. Fine signed the extradition warrant at the request of the State of Georgia.

Immediately, there started a court fight which lasted three years. Judge Louis E. Levinthal, of the Philadelphia Court of Common Pleas, ruled against the prisoner. The Pennsylvania Supreme Court upheld Judge Levinthal's ruling.

At this point the National Association for the Advancement of Colored People publicly entered the fight. It put its top legal light, Thurgood Marshall, on the case and an appeal was made to the United States Supreme Court.

In view of that Court's other decisions in 1954, it is difficult to believe that Marshall had no success with the highest tribunal. The Court refused to review the decision of the Pennsylvania Supreme Court. The idea of freeing a man with such a criminal record, even though he was a Negro, must have been too much even for the Supreme Court Justices.

However, despite rebukes by the highest courts of the State of Pennsylvania and the United States, Marshall and the NAACP were not through. The fight to prevent Brown's return to Georgia continued. Finally, sufficient political pressure was obviously put on the present Governor of Pennsylvania, George M. Leader, because in August, 1955, he withdrew the extradition warrant signed by his predecessor, Governor Fine. Immediately, Judge Gerald F. Flood, in Philadelphia, ordered Brown freed.

Today, thanks to the NAACP, this convicted murderer, a man with a long criminal record prior to his conviction for murder, walks the streets of Philadelphia as a free man.

Remember, he is free despite the fact that the Philadelphia Court of Common Pleas, the Pennsylvania Supreme Court and the United States Supreme Court had ruled that Brown should be returned to Georgia to complete his murder sentence.

If this was the first such case where political pressure had been used by the NAACP to protect convicted criminals, it would not be worth mentioning here. However, it is in keeping with that organization's idea of protecting civil rights of Negroes and is only one of many examples.

Nothing is ever said about the dangers to society when a dangerous criminal is freed by such tactics. Nothing is said about the obvious violation of the civil rights of law abiding citizens whose very lives may be placed in jeopardy by freeing convicted criminals. Yet, on several occasions, criminals given their unwarranted freedom, have committed grievous crimes against citizens of those states which gave them their freedom.

Justice Works One Way Only for NAACP

Thurgood Marshall, the NAACP attorney in this case, has been most vocal in condemning White citizens, who have dared criticize the United States Supreme Court's non-segregation edicts. He has charged them with advocating lawlessness bordering on sedition. However, Marshall and his fellow NAACP officials have never let a decision of the court stand in their way when it ruled against them. Whenever the Court has ruled against the NAACP, whether in segregation cases or in its efforts to free a convicted criminal, its leaders have often by-passed the court and used political pressure to gain their objectives. When White citizens attempt this same method to protect their own rights and the rights of the states, Marshall and his associates scream, "the Court has spoken," or "this is the law now for the Court has so ruled," or "no one, even if he is a Southern governor, has the right to challenge the ruling of the United States Supreme Court," and other such junk.

During the past decade, as the NAACP's political power grew, the organization used pressure in fields far beyond civil rights and segregation.

It has resorted to censorship and boycotts in many instances. When Walt Disney completed the motion picture, "Song of the South," based on the beloved Uncle Remus stories by Joel Chandler Harris, the NAACP demanded that the showing of the picture be banned throughout the United states.

The NAACP has condemned and boycotted a number of oustanding Negro actors and actresses because of the type parts they accepted in the movies. The late Hattie McDaniel, who won an Academy award for her fine acting in "Gone With the Wind," was one of those who felt the wrath of this dictatorial organization.

At its convention in Atlanta in 1951, the NAACP demanded that the national networks drop the "Amos and Andy" and the "Beulah" shows. Pressure was even put on the Federal Communications Commission in an effort to force these programs from the air.

The great Negro educator, Booker T. Washington, who did more for the education of the Negro race than any other Negro in history, has been held up to scorn by the NAACP leadership. When a national shrine was established at his birthplace, the NAACP group steadfastly boycotted it, according to the Pittsburgh *Courier*. Because of this boycott, the foundation which established the shrine was forced into bankruptcy.

The NAACP leadership constantly refers to Booker T. Washington and to the late Dr. George Washington Carver, the versatile Negro scientist, as "Uncle Toms," insinuating that they were "traitors" to their people.

Nor is the memory of Abraham Lincoln dealt with too kindly by these leaders. It seem some of them must have read the famous Lincoln debates with Judge Douglas. Whatever the reason, Lincoln is no longer held in reverence by the NAACP, if he ever was.

The attack on college social fraternities is another effort of this outfit. No one has ever claimed that these social fraternities were "democratic." The members are always handpicked because that is the kind of organizations they are.

In the past few years, New York State has banned any social fraternity from campuses of state colleges and universities which restricts its membership to any particular race or creed. Members of those fraternities may not select their own new members without taking into consideration the new state ruling.

To what extremes will they go next?

In several states Federal judges have ruled that segregation in city parks and play grounds is illegal, but that since the city is not required by law to furnish these installations, days may be set aside for one race and other days for another race. The first such suit involved the use of public golf courses. The NAACP and its Negro members were not satisfied with the decision. They appealed to the United States Supreme Court. They do not want to play on golf courses where only Negroes are playing that day. They want to play with White men and women and they are determined to force themselves on the White players.

They take the same attitude about public swimming pools. If they can't swim with the White people, they don't want to swim. And they don't want the White people to swim. Instead, they yell for the Supreme Court like spoiled brats.

Typical NAACP Pressure

A new type of censorship is being used by the NAACP on newspapers in some sections. Recently, in Waterloo, Iowa, members of the NAACP and the CIO United Packinghouse Workers joined together in attempting

to force the Waterloo *Courier* to stop using the word "colored or Negro" in its news columns and classified advertising pages.

These would-be-censors went so far as to call on the newspaper's advertisers and demand that they sign a petition "requesting" the newspaper to change its policy.

The NAACP is a great believer in freedom of speech when its leaders libel such oustanding citizens as Governor James Byrnes and Senator James Eastland as "unAmerican, race-baiters."

But, when the then Assistant Attorney General of North Carolina, Dr. I. Beverly Lake, proposed a private school plan for that state and branded the NAACP an enemy of the state's laws, the NAACP demanded that Governor Hodges "reprimand" Lake and remove him from office.

Governor Hodges was not afraid of the NAACP. He replied, "It is my intention to use every means at my command to retain for the State the services of this distinguished lawyer." And that was that.

The NAACP follows the Communist line in this matter of free speech. It may curse, belittle, smear and malign any prominent White Southern leader in the exercise of its "free speech." However, when a White Southern leader speaks out in defense of his race or brands the NAACP for what it really is, then their spokesmen immediately yell "foul" and demand his removal from office. Large segments of the daily press and network commenators take up their cry and brand the White leader as a "Hitler-like, bigoted, race-baiter." They've done it to me.

The most accomplished and professional race-baiters in the world today are the spokesmen for the NAACP and their fellow-travelers. I have never read one word in any of those same newspapers, nor have I ever heard one of those network commentators condemn this group for being race-baiters against White people.

For many years leaders of the NAACP would come into Southern cities and hold district or regional meetings, condemn Southern leaders in the National Congress and Southern governors; make many wild, inflammatory statements; promise their audiences the golden throne; and then pass the hat for bountiful donations. This plan worked for many years and no one knows what the "take" at these meetings was. They would pocket the money and head for another rally until they completed the circuit. Then, with their pockets full, they would head back to New York City.

However, as the NAACP grew in power and its treasury needed more and more funds, a new scheme was formulated. They would hold a meeting in the deep South. They would bring all their national leaders down here and really show this section "what was what."

The NAACP Program

In 1951 the NAACP held its national convention in Atlanta, Georgia. This meeting should have served notice to the people of the South that continual vigilance and courageous leadership are necessary at all times

if this section's traditional social customs and its respect for Constitutional law are to be preserved.

Only shortly before the meeting, the NAACP filed suit against the City of Atlanta school system in an effort to end segregation in the public schools. Yet, Atlanta's Mayor William B. Hartsfield was on hand to welcome the delegates and the officials of the association. The citizens of Atlanta knew that Mayor Hartsfield had just been re-elected a few months before because he had received the Negro bloc vote. They knew that his opponent had received more White votes than the mayor. Still they were shocked that even he would welcome an organization which had publicly stated that it would destroy the Atlanta public school system if segregation was not ended.

After receiving the Atlanta mayor's warm welcome, the delegates proceeded to adopt the following plan of attack on segregation in the South:

"1. A stepped-up fight to wipe out all segregation in public schools and colleges.

"2. An end to segregation on street cars and on trains and buses operating within the State. (The United States Supreme Court in 1950 outlawed segregation on buses and trains operating in interstate commerce.)

"3. Immediate abolition of segregated hotels, restaurants, swimming pools, rest rooms, park facilities and other public places.

"4. The elimination of segregation at all public gatherings such as baseball games, political meetings, dances, etc.

"5. Opening of church doors to mixed congregations.

"6. Integration in all forms of employment including State, County and City governments, trolley operators, firemen and policemen.

"7. Forced mixing of the races in all units of the Armed Forces."

A telegram from United States Senator Hubert Humphrey, of Minnesota, to the delegates was read. It stated:

"I have today introduced on the floor of the Senate eight civil rights bills comprising a comprehensive legislative program. Co-sponsors with me were Benton, Morse, Douglas, Lehman, Magnuson, More, Murray, Neely and Pastore.

"The bills were (1) FEPC, (2) Anti-lynching, (3) Anti-poll tax, (4) Strengthening Federal government machinery for protection of Committee on Civil Rights and elevating existing civil rights units in the Department of Justice to the status of a division under an Assistant Attorney General, (5) providing relief for victims of segregation in interstate commerce, (6) Strengthening existing civil rights statutes, (7) Protecting the right to political participation, making it a crime to interfere with the right to vote in general elections, and (8) Anti-Peonage bill.

"I suggest that we have a meeting in Washington to plan for full scale effort to pass this legislation."

NAACP Atlanta Convention

NAACP Secretary Walter White, the guiding force of the organization, pointed out that Atlanta had been selected as the place for the most important convention in the association's history. He intimated that the group wanted to throw the fear of the Negro vote into the hearts of Southern politicians as a part of the calculated design to destroy all forms of segregation in the South.

He termed "utterly impossible and ridiculous" the plans of certain Southern governors to eliminate public support of schools if segregation is eliminated.

"Such action will be a calculated and obvious violation of the law and a flaunting of the Supreme Court," he said.

Now this statement was made two years before the Supreme Court decision, but White evidently knew the Court would rule in favor of his organization. Yet, only one week before this statement was made, a three-judge Federal Court had ruled in the Clarendon, S.C. segregation case that segregation in public schools was not a violation of the Constitution, thus ruling against the NAACP. White was so confident of the highest Court's position that he could attack Southern governors for any proposal they might suggest to retain segregated public schools and to evade a Supreme Court decision that was to be rendered two years later!

Others taking part in the convention activities were Roy Wilkins, administrator of the NAACP; Dr. George Mitchell, director of the Southern Regional Council, who directs that group's fight against segregation from the Wesley Memorial building in Atlanta; Thurgood Marshall, chief counsel for the NAACP; Phillip Wilkie, son of the late Republican presidential candidate; Dr. Ralph Bunche, United Nations official; and Lillian Smith, author of inter-racial books.

Miss Smith denounced "a few great big old bishops who are responsible for keeping the doors of the Methodist Church shut to Negroes."

"Social Highlight"

The social highlight of the NAACP convention was a mixed dance at one of the private Negro clubs in Atlanta. *Time* magazine reported that Atlanta's segregation ordinance "was quietly set aside" so the delegates could hold the dance.

The Pittsburgh *Courier*, one of the nation's largest Negro newspapers, printed pictures on its front page, under the caption, "This Happened in Atlanta," showing a Negro man dancing with a White girl and a White man dancing with a Negro girl.

The *Courier* intimated that the mixed dance was planned and held to willfully violate state and city laws and customs.

Clarence Mitchell, head of the Washington NAACP bureau, and one-time Federal FEPC official, launched a bitter personal attack on Southern congressmen and senators for their stand against segregation.

"We're going to eliminate them from public office," he was quoted as saying.

During the convention, delegates were urged to deliberately violate segregation laws in the various states and cities.

These are just a few things in the record of the National Association for the Advancement of Colored People, which are ignored or censored by parts of the daily press. Many people do not realize just what this organization stands for and what it's attempting to do in the name of civil rights and its brand of "democracy."

Many uniformed White citizens have come to the defense of this outfit whenever it has been under attack. The NAACP has been defended in the name of freedom of thought, freedom of association, and academic freedom. It has been described as "a fine, patriotic organization working for the best interests of all the people." Some defenders of the NAACP have gone to the extreme of declaring that "it only fights its battles in the courts."

The records down through the years make a lie of these statements.

Chapter 8

OTHER GROUPS FIGHTING SEGREGATION

THE National Association for the Advancement of Colored People and the CIO Political Action Committee were not the only organizations working to break down segregation in the South and to establish the dictatorial FEPC.

Other groups, containing leaders from both the NAACP and the CIO, PAC, were grabbing their share of the headline news during this period.

On May 19, 1946, Harold L. Ickes, the former Secretary of Interior whom President Truman had replaced in his cabinet, addressed an anti-segregation rally in Washington. The rally was sponsored by the Committee for Racial Democracy in the Nation's Capital.

The advertised purpose of the meeting, as reported in the Washington newspapers, was to raise $25,000 to aid in the fight. The Washington *Evening Star* on May 20 reported that a little more than $1,000 was contributed by the audience.

Ickes made one of his fiery, vindicative speeches attacking segregation in every form. He told the audience, according to the *Star*, "Personally, I do not believe in political parties," but if segregation is to be ended, Negroes must put all the pressure possible on Congressmen at every turn. He told the audience that the only way complete integration could be won would be to end segregation in the public schools. "The end of segregation in public schools is the key," he declared.

"For many years, the Julius Rosenwald Foundation devoted a large part of its resources to the fight against segregation and was one of the heaviest financial contributors to the NAACP and to its legal staff. Thus the Rosenwald Foundation paved the way and was pace setter for present-day, tax-free political action foundation groups working hand in hand with the Communist conspiracy around the clock to overthrow our form of government."

Testifying before a Congressional committee in 1947, Dr. Will Alexander, vice-president and spokesman for the Rosenwald Foundation, stated.

"Most of the problems of this country are due directly to segregation and the only solution to our ills is an immediate end to all established segregation practices."

He then demanded that Congress pass the "necessary laws" ending segregation in "every form and fashion."

Commie Sympathizers Back NAACP

The Southern Regional Council, formed in 1944, and composed of a group of liberal White citizens and Negroes active in the NAACP, joined in the battle against segregation. Subsidized for several years by the now defunct Rosenwald Fund, it continues the fight at an ever-increasing tempo with funds from other sources.

In 1954, it received a grant of $240,000 from the Fund for the Republic of the Ford Foundation to aid in its battle against segregation.

The Executive Director of the Southern Regional Council is Dr. George S. Mitchell, who has been connected with some notorious left-wing organizations. He was a member of the Board of Representatives of the old Southern Conference for Human Welfare, according to Congressional records. This outfit was declared to be a subversive Communist-front group by the House unAmerican Activities Committee and listed as subversive by the Attorney General of the United States. Mitchell was also listed as a member of the Civil Rights Congress and the National Federation for Constitutional Liberties, according to records of the unAmerican Activities Committee which branded both groups subversive.

Mitchell is an outspoken critic of segregation in all forms and is in constant demand as a speaker before left-wing and ultra-liberal groups which are fighting segregation.

The fact that Mitchell and the Southern Regional Council maintain offices and headquarters in the Wesley Memorial Building in Atlanta is the source of much embarrassment to many loyal Methodists throughout the Southeast.

By early 1946, Negro leaders were coming out in the open in their demands for completely ending segregation in all forms and in all walks of life.

The Southern Negro Youth Conference met in Columbia, South Carolina in October, 1946. The delegates heard fiery anti-segregation addresses by Adam Clayton Powell, Negro Congressman from New York City, and by Paul Robeson, notorious for his pro-Communist activities. Both men demanded an immediate end of segregation. They condemned Southern White people and made all manner of threats in the most rabble-rousing manner.

Also taking part in the meeting, according to the Nashville (Tenn.) *Banner* were "James E. Jackson, Jr., Negro chairman of the Communist party of Louisiana; author Howard Fast, a follower of the Communist party line; and Dr. Max Yergan, Communist and president of the National Negro Congress.

"Louis Burnham, organizational secretary of the SNYC, incidentally is vice-president of America Youth for Democracy which was formerly known as the Young Communist League."

One of the most notorious organizations of this period was the now defunct Southern Conference for Human Welfare which worked hand and

glove with the NAACP. It also must have been working closely with another outfit for in 1947 the House Committee on unAmerican Activities and the United States Department of Justice revealed it as one of the most active Communist-front groups in the nation.

In November, 1946, the Southern Conference for Human Welfare made headlines throughout the nation by presenting its annual award to the then Governor of Georgia, Ellis Gibbs Arnall for his "contributions to human welfare."

On hand with Arnall for the presentation were a group of Atlanta Negro NAACP leaders, Austin T. Walden, Dr. Rufus Clements and C. A. Scott. Also present to praise Arnall was Walter White, national secretary of the NAACP and the leading force in the fight to end segregation in every form.

Dr. Clark Foreman, a well known fellow-traveler, was president of the Conference, James E. Dombrowski, a former staff member of Emory University in Atlanta and a well-known fellow traveler, was administrative secretary. James E. Jackson, Jr., the Negro Communist party chairman for Louisiana, was also active in its affairs at the New Orleans meeting.

It is worth noting that on a previous occasion Mr. Justice Hugo Black of the United States Supreme Court had been a recipient of a similar citation from this same Southern Conference for Human Welfare, as had Dr. Will Alexander of the Rosenwald Fund.

Arnall up to that time had been the fairhaired boy of the liberal press in the South and a "knight in shining armor." However, when he accepted that motley group's citation, even the liberal press couldn't stomach his actions.

He was "shocked and hurt" that such a liberal as editor Ralph McGill of the Atlanta *Constitution* would attack him for accepting the citation and accuse the organization of being a Communist-front group, especially since McGill was one of the organizers of the Southern Regional Council. Later, Arnall was to whine that he "didn't know the truth" about the Southern Conference for Human Welfare. He should have known, Editor McGill did.

No effort will be made to list the many other Communist-front organizations which have had a part in the fight against the destruction of segregaion. Needless to say, the files of the Senate Internal Security Committee, the House UnAmerican Activities Committee and the Department of Justice are filled with names of their leading lights.

Chapter 9

CIVIL RIGHTS LEGISLATION

DURING the past fifteen years many so-called civil rights bills have been introduced in the national Congress and in a number of state legislatures.

These have included the FEPC proposals, anti-poll tax laws, anti-lynching laws and the like. Most of these proposals were introduced to appease the Negro voters in states outside the South. Many of the legislators privately admitted that they did not believe in their own legislation, but that their introduction would assure them of the Negro vote.

The first civil rights legislation was passed by the Congress during the administration of President Andrew Johnson, who vetoed it on grounds that it gave to "a minority rights that it did not give to the majority."

In 1875, when it became evident that federal troops would soon be removed from the South, Congress passed the Federal Civil Rights Act of 1875, which forbade the exclusion of Negroes from "public conveniences and places of entertainment" because of color.

This act of Congress was declared unconstitutional by the United States Supreme Court. Mr. Justice Bradley, who delivered the Opinion of the Court stated in part:

"After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal (admission to an inn, etc.) has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if these laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or state action, prohibited by the Fourteenth Amendment.

"When a man has emerged from slavery, and by the aid of beneficial legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of mere citizen, and ceases to be a special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty and property the same as white citizens; yet no one, at that time, thought it was any invasion of his personal status as a

freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discrimination in the enjoyment of accommodations in inns, public conveyances and places of amusement . . ."

It should be noted that the members of the Supreme Court which declared these acts unconstitutional were men quite familiar with the Thirteenth and Fourteenth Amendments. They were active in the law and the courts at the time these amendments were adopted. They knew the intent of Congress in passing them.

The Supreme Court Favored Segregation

The majority opinion continued:

"On the whole we are of the opinion, that no countenance of authority for the passage of the law in question can be found in either the Thirteenth or Fourteenth Amendments of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned."

This ruling by these particular members of the Court had a profound effect on the Court for many years until recently when its members became more mindful of politics than of the law.

It was the basis of the Court's decision in *Collins v. Hardyman* and was referred to in this manner:

"It was held unconstitutional. This decision was in harmony with that of every other important decision during that period by a Court, every member of which had been appointed by Presidents Lincoln, Grant, Hayes, Garfield or Arthur—all indoctrinated in the cause which produced the Fourteenth Amendment, but convinced that it was not to be used to centralize power so as to upset the Federal system."

One of the favorite civil rights bills, introduced in each session of Congress is the anti-poll tax bill. Few states have a poll tax law now. Still some Congressmen must bow to the NAACP and introduce the legislation.

It is ironic that most of the advocates come from states which do not have the popular primary system of nominating candidates from the various parties.

Almost invariably these Congressmen came from states where the candidates for public office, governors, senators, etc., are handpicked by a little group of political leaders and rammed down the throats of delegates to party conventions. The voters have little or nothing to say about their party's candidates.

We do not have the poll tax in Georgia. However, it is none of Georgia's business if Alabama or some other states do have the poll tax. Certainly it is no business of Congress, the National Government, or any person not a citizen of the state which does.

However, a person who doesn't think enough of his right to vote to pay one or two dollars in taxes, isn't very interested in the right of franchise.

The anti-lynching law is another piece of so-called civil rights legislation that is always introduced and always draws lots of headlines.

Now there hasn't been a lynching in the South for a number of years, but these radicals would have the public believe that they are quite common.

Several years ago some of our Southern senators offered to support an anti-lynching law if it would include lynchings perpetrated by gangsters. That did it. Those representatives from Illinois, New York, New Jersey and Indiana took to cover. Gangster lynchings were occurring in their states weekly and such a proposal was definitely a violation of the rights of gangster-populated states. The lack of sincerity of the advocates of the anti-lynching law was proven then, once and for all.

The most popular civil rights legislative proposals at the present time center around various federal Fair Employment Practices Commission acts.

Perhaps the most vicious of all the FEPC legislation introduced in the 1951-52 Congress was that proposed by Senators Herbert H. Lehman, of New York, and Hubert Humphreys, of Minnesota.

Compulsory FEPC is Vicious

This compulsory FEPC if ever passed, would end constitutional government in this country. It would steal away our birthright of freedom and put all of us at the complete mercy of a handful of bureaucrats, dictated and controlled by such organizations as the National Association for the Advancement of Colored People, one of the prime sponsors of this vicious legislation.

There is little doubt, now that the United States Supreme Court has issued its edict against segregation in public schools, but that the sponsors of compulsory FEPC will again try to ram this legislation down the throats of United States citizens. It may be introduced by other senators or representatives, but it will be back.

Look at the proposals embodied in Senate Bill 1732 of that session of Congress.

It would have given the five-man FEPC Commission unlimited authority to hire an army of agents and investigators to harass employers from Maine to California.

It contained a provision for the Commission to pay the expenses of witnesses to testify against employers who might be hauled before the Commission.

After any complaint was investigated and the Commission issued an order which was not obeyed, an employer and all his records might be summarily subpoenaed to Washington, D. C. to be tried by an inquisition.

After the hearing the Commission would be empowered to issue an order which, if not obeyed, could be carried to any Federal Court of Appeals for enforcement. This meant that any employer in the United States could have been taken far away from his home, and tried and convicted by utter strangers.

And, above this, evidence not presented before the FEPC commission could not be presented before the Court. It meant that under those proposals an employer would have been pre-judged and pre-tried before a civilian executive agency of the Federal government before ever getting his day in court.

One of the most repugnant provisions of the proposed FEPC legislation was a provision which said that persons may be compelled to testify against themselves. This would have been a violation of one of our most fundamental precepts of constitutional law.

There was a provision granting the Commission authority to promulgate such rules and regulations as it might see fit to carry out the provisions of the act. There was no limit to the unreasonable, dictatorial, foolish and impossible regulations the Commission might have demanded.

FEPC is Communist

This proposed FEPC legislation, whether the men who introduced it in Congress and the various state legislatures know it or not, is actually of Communistic origin.

In 1920, one Joseph Stalin introduced a law known as Stalin's "All Race Law." He used this as a means of advancing himself as the supreme dictator of Soviet Russia. The administrative and judicial provisions of proposed FEPC laws introduced in the Congress and passed into law by several states faithfully follow Stalin's "All Race Law."

Compulsory FEPC national legislation would destroy the right of individuals to choose their fellow associates. It would destroy the right of an employer to select his employees. The judgment of government gestapo agents would be substituted for the judgment of the nation's businessmen as to the fitness of an applicant for a position. It would set up a dangerous instrument for Federal oppression in every state. It would destroy our system of free enterprise.

Not only this, it would place into the hands of the administration a heinous weapon for use against any person who might dare offer opposition. In time it could become easily the germ for a power-mad dictatorship.

Donald Richberg, one of the architects of the original New Deal, but an outspoken advocate of constitutional law, warned against Federal FEPC legislation with these words:

"When a bill proposes to destroy the constitutional liberty essential to a free economy, and to provide Communists with a new and powerful leverage for disintegrating American industry, then any genuine liberal is obliged to say, 'The alleged humanitarian and democratic purpose of this legislation is only a fraudulent cloak to conceal its communistic purposes—and its inevitable effect—to make a competitive system of private enterprise unworkable and to bring about industrial chaos and eventual collapse.' "

Naturally, the pseudo-liberals, fellow travelers and leaders of the National Association for the Advancement of Colored People condemned

Richberg for his bold stand and forthright statement against FEPC legislation.

In July 1955, stories in the labor press told of conferences taking place with NAACP leaders and segments of labor advocating compulsory FEPC legislation as a "bulwark to strengthen the U. S. Supreme Court's segregation decisions and to end once and for all every segment of racial segregation in the United States."

Yet, there are those who condemn any citizen who dares speak out against the NAACP and its attempts to destroy constitutional law in the United States.

Chapter 10

INTERMINGLING AND INTERMARRIAGE

THE ULTIMATE aim and goal of NAACP leaders in the present segregation fight is the complete intermingling of the races in housing, schools, churches, public parks, public swimming pools and even in marriage. It is so evident that even White apologists for this organization must now admit it.

For many years a few thoughtful citizens, keen students of history and careful observers of the actions and works of the National Association for the Advancement of Colored People, tried to warn us that the ultimate goal of this group was the complete integration of the races.

These citizens were held up to scorn and ridicule by segments of the press, by certain religious leaders, and by some civic and professional groups which followed the NAACP line and called these men "bigoted, evil, cruel, rabble-rousing, race-baiters."

They scorned the warnings of these brave men. They helped "brainwash" a large segment of the nation and lulled them to sleep by proclaiming over and over again that all the NAACP wanted for the Negro was "equal educational opportunities, fair and just law enforcement and a chance for the Negro to improve himself, his family and his race."

However, events of the past ten years have shown that these critics of the NAACP were right, their self-righteous defamers completely wrong.

Let us look at the record. The United States Supreme Court, mostly in suits brought before it by the NAACP or its members, has outlawed by judicial decree the restrictive covenants on real estate. This opened up housing on a non-segregated basis, thus costing White home-owners millions of dollars in property value losses.

Next, suits against the White Democratic Party in the South eliminated the White Primary and opened it to Negro voters. This was despite previous rulings by the Supreme Court upholding its constitutionality.

This was followed by NAACP suits against the states of Texas and Oklahoma. They resulted in the Court's ban against segregation in institutions of higher learnings.

Furthermore, there were the Court's decrees barring segregation in interstate commerce such as railroad coaches, Pullman cars and dining cars.

Then finally came the public school segregation edicts by the Court, forcing the mingling of the Negro and White children, starting with the little first graders through the high school ages.

Meanwhile, during the administration of Chief Justice Warren as Governor of California, the California Supreme Court ruled as unconstitutional that state's miscegentation law against intermarriage of the races. The law had been on the statute books of California for seventy-five years.

Early in 1955, after the United States Supreme Court's ruling against public school segregation, an attack has been made on Virginia's law against inter-marriage between the races.

The Supreme Court of Virginia, in June 1955, held the law constitutional and Justice Buchanan wrote in the unanimous decision, "We are unable to read in the 14th Amendment . . . any words or intendment which prohibit the state from enacting legislation to preserve the racial integrity of its citizens . . . so that it shall not have a mongrel breed of citizens. We find there is no requirement that the state shall not legislate to prevent the obliteration of racial pride, but must permit the corruption of blood, even though it weaken or destroy the quality of its citizenship. Both sacred and secular history teach that nations have better advanced in human progress when they cultivate their own . . . peculiar genius.

"Regulation of the marriage relation is, we think, distinctly one of the rights guaranteed to the states and safeguarded by that bastion of states' rights, somewhat battered perhaps, but still a sturdy fortress, the Tenth section of the Bill of Rights . . ."

When the Virginia Supreme Court made its ruling, the states of Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming all had similar laws against intermarriage of the races.

The best authority for the ultimate aim of the NAACP and its leaders is in the life and actions of Walter White, who until his death in early 1955, was the spokesman and director of the organization. He was "Mr. NAACP," if you please.

NAACP Wants Complete Intermingling

White was a zealous man. He would never do anything in his public or private life not in accord with the aims and goals of the NAACP, or that might hurt "the cause."

He was the real leader, meticulously setting the proper example for its members. He knew what he was doing and where he was going. Once he was asked by a newspaper reporter, "To what race do you belong?"

His answer was, "The human race. There is only one race."

Walter White practiced what he preached. He divorced his Negro wife and married a White woman.

If nothing else had waked up the people of the South and the nation to the ultimate aim of the NAACP, that should have.

Shortly after the United States Supreme Court rendered its edicts in the public school segregation cases, White was asked what he thought the effect of the decree would have on the lives of Negroes.

This interview was printed in one of the leading nationally circulated magazines.

White stated that the decree would "lead to an increase in intermarriage between the races," and advocated an end to laws prohibiting such marriages.

"When human beings get to know each other and to respect each other, friendships develop and some of those friendships develop into love and marriage," he declared.

"*The NAACP has always opposed laws barring intermarriages, because they do great harm to both races,*" White continued.

"They deny the women of a so-called minority group protection of their person and it also is an improper and immoral thing to do. It really places a premium on extramarital relationships on both sides of the racial fence. If two people wish to live together, it is most un-Christian to say they must live together in sin instead of holy wedlock," declared Walter White.

There it is for anyone to see. The ultimate aim of the National Association for the Advancement of Colored People is the complete amalgamation of the races.

The great English statesman, Disraeli, once said, "No man will treat with indifference the principle of Race, for it is the key to history."

And history teaches that when two separate races, living in the same country, do not follow a pattern of segregation, an amalgamation of the races occurs which ultimately results in destruction of each individual race.

The Children of Israel, God's chosen people, were commanded by God to remain separate or segregated from other races.

The decline and fall of the Roman Empire came after years of intermarriage with other races. Spain was toppled as a world power as a result of the amalgamation of the races.

In Cuba, in Mexico and in the South American countries, segregation has never been practiced. As a result, the races have intermarried and become a mongrel race in which the strongest and best features of both races have been destroyed.

God Advocates Segregation

Ethnology teaches that there are five different races: white, black, yellow, brown and red. God created them all different. He set them in families and appointed bounds of habitation. He did not intend them to be mixed or He would not have separated or segregated them.

Certainly history shows that nations composed of a mongrel race lose their strength and become weak, lazy and indifferent. They become easy

preys to outside nations. And isn't that just exactly what the Communists want to happen to the United States?

This position has nothing to do with Hitler's theory of the "super race." It is based on history and natural science.

Certainly a man with pure Negro blood will have a better opportunity to develop the finer characteristics and culture of his race than one of mixed blood. The same is true of the White man, of course.

Federal District Judge Robert N. Wilkins, a native of Ohio, pointed out some of the most profound facts in history and natural science in his decision in 1952 against the NAACP, in a suit brought seeking a Federal ban against segregation on municipal golf courses in Nashville, Tennessee.

He wrote, in part: "It seems that segregation is not only recognized in constitutional law and judicial decision, but that it is also supported by general principles of natural law. As nature had produced different species, so it has produced different races of men. Distinguishing racial features have not been produced by men, or man-made laws. They are the result of processes of evolution and it seems natural and customary for different species and different races to recognize and prefer as intimate associates their own kind. Nature has produced white birds, black birds, blue birds and red birds, and they do not roost on the same limb or use the same nest. Such recognition and preference for their own kind prevails among other animals. It prevails among all people, among the yellow, black and red-skinned races.

"The law recognizes these natural and instinctive principles and practices of life. It does not attempt to inhibit them. It would be futile to attempt to do so. This nation's experience with the Eighteenth Amendment shows that there are forces of nature that cannot be changed by constitutional amendment or judicial decree. A Government like ours does not attempt to make a law or enforce a law which is contrary to the general will of the community. Our Government and its commands and decrees are the expression of the general will. A court of sense and character, or experience, does not command anything to be done which is impossible, because there is no method by which its order can be enforced.

"The law does, however, attempt to preserve and protect the basic legal rights of all persons regardless of race or color. The force of the law is set against oppression and exploitation. It is a fundamental principle of Western civilization that man is sacred to man. The degradation of any man by the denial of his inalienable rights is an assault upon humankind. Roman and Anglo-American jurisprudence is replete with fundamental principles which courts of law recognize and enforce in order to preserve the dignity and sanctity of human nature. Our Declaration of Independence and our Constitution recognize these principles and provide that government itself should be subject to them.

"But our Government and its law does not intrude into the private and social affairs of life. In their private and social affairs all men are free. There is a realm of life where law is absolute; the law commands what may and

what may not be done. There is another realm where freedom is absolute; each individual is at liberty to do as he pleases. There is another realm in between where the law does not command but the individual is not entirely free. In this middle realm individual rights and obligations and social rights and obligations are brought into impingement and here conduct is controlled generally by rules and customs of civil decency, social decorum, and polite manners. It has been a sound policy of the liberalism of western civilization and all republican and democratic governments to keep this middle realm as broad as possible, because the extension of the realm of absolute law tends to totalitarian government, tyranny and absolutism, which thwart human evolution. The maintenance of a broad middle ground depends upon the acceptance by the people of its obligations.

"During recent years there has been a tendency prompted by overzealous champions of democracy to extend democratic processes and legal procedure into fields where they are not qualified to serve. By burdening democratic processes with obligations which they are not able to meet, they bring democracy and law into disrepute and disintegration. This tendency has been incited and increased by open champions and subversive agents of the world revolution which has been advancing under the banner of Communism. The open and avowed purposes of such revolutionaries is to eradicate all religion and to destroy our system of laws and jurisprudence which has been developed in the Judean-Greek-Roman-Christian tradition.

Those who intentionally or unwittingly are overburdening democratic and legal processes and destroying the delicate balance and apportionment of powers upon which our way of life depends, play into the hands of the revolutionaries. While they may think they are championing freedom and liberalism, they are bringing about totalitarianism which will destroy the very object that they seek to serve.

"This Court therefore concludes that segregation itself (where legal rights are unaffected) is not unconstitutional or unlawful; that it is a natural tendency which the progress of man's political, social and spiritual evolution may change or disappear; but it would be inexpedient and unwise to attempt to present or prohibit it (or enforced unrestricted association) by judicial decree."

Lincoln Opposed Desegregation

Abraham Lincoln, before and after he became President of the United States, held some definite opinions about the amalgamation of the races and its dangers. He spoke out publicly and with force and conviction on these vital issues.

His statements may be read at any first rate public library which has any sort of Lincoln collection.

Here are a few of his public statements regarding the segregation and mixing of the races.

In an address at Springfield, Illinois, on June 26, 1857, Lincoln stated:

"There is a natural disgust in the minds of nearly all white people at the idea of indiscriminate amalgamation of the white race and the black race . . .

"*A separation of the races is the only perfect preventive of amalgamation; but as immediate separation is impossible the next best thing is to keep them apart where they are not already together.*

"If white and black people never get together in Kansas, they will never mix blood in Kansas. This is one self-evident truth.

"A few free colored persons may get into the free states in any event; but their number is too insignificant to amount to much in the way of mixing blood. . .

"Such separation, if it is ever to be effected at all, must be effected by colonization. . . . The enterprise is a difficult one, but 'where there is a will there is a way' and what colonization needs most is a hearty will. . . ."

In his famous debates with Judge Stephen Douglas, Lincoln at Ottawa, Illinois, on August 21, 1859, said:

"I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two, which, in my judgment, will forever forbid their living together upon the footing of perfect equality; and inasmuch as it becomes a necessity that there must be a difference, I am in favor of the race to which I belong having the superior position."

Thus spoke the Great Emancipator.

On September 16, 1859, at Columbus, Ohio, Abraham Lincoln again spoke out on this subject when he said:

"There is no reason in the world why the Negro is not entitled to all the natural rights, enumerated in the Declaration of Independence, the right of life, liberty and the pursuit of happiness. . .

"I agree with Judge Douglas, he [the Negro] is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowments. But in the right to eat bread, without leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man.

"I am not, nor have I ever been in favor of bringing about in any way the social and political equality of the white and black races—I am not, nor ever have been, in favor of making voters or jurors of the Negroes, nor of qualifying them to hold office, nor to inter-marry with white people.

"I will add to this, that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men. . . .

"I give [Judge Douglas] him my most solemn pledge that I will to the very last stand by the law of the state which forbids the marrying of white people with Negroes."

After he became President, Abraham Lincoln on August 14, 1862, rec-

ommended colonization to a "Deputation of Free Negroes," who called on him at the White House.

"You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it be right or wrong I need not discuss; but this physical difference is a great disadvantage to us both, as I think," he said.

"Your race suffers very greatly, many of them by living among us, while ours suffers from your presence. In a word, we suffer on each side. If this is admitted, it affords us a reason, at least, why we should be separated. . . .

"Even when you cease to be slaves, you are yet far removed from being placed on an equality with white people. . . . On this broad continent not a single man of your race is made the equal of a single man of ours. Go where you are treated the best, and the ban is still upon you. . . . I cannot alter it if I would. . . .

"I need not recount to you the effects upon white men, growing out of the institution of slavery . . . and its evil effects upon the white race.

"See our present condition—the country engaged in war—our white men cutting one another's throats . . . and then consider what we know to be the truth.

"But for your race among us there would be no war, although many men engaged on either side do not care for you one way or the other. . . . It is better for us both, therefore, to be separated."

When Lincoln signed the Emancipation Proclamation, he said, "I have urged the colonization of the Negroes, and I shall continue.

"My Emancipation Proclamation was linked with this plan. There is no room for two distinct races of white men in America, much less for two distinct races of whites and blacks.

"I can conceive of no greater calamity than the assimilation of the Negro into our social and political life as our equal. . . .

"Within twenty years we can peacefully colonize the Negro and give him our language, literature, religion, and system of government under conditions in which he can rise to the full measure of manhood.

"This he can never do here. We can never attain the ideal union our fathers dreamed, with millions of an alien, inferior race among us, whose assimilation is neither possible nor desirable."

Thus spoke the founder of the Republican party.

Jefferson's True Views

Thomas Jefferson, the founder of the Democratic party and author of the Declaration of Independence, has been misquoted many times on his statements regarding this.

Thousands of visitors to the Jefferson Memorial in Washington, each year, read this description attributed to Jefferson,

"Nothing is more certainly written in the book of fates than that these people are to be free."

These eighteen words were lifted bodily from his full statement with the period placed where Jefferson had used a semi-colon!

Why?

No truth-loving American will appreciate it. And no student of history will condone having the writings and beliefs of this great man so distorted. It misrepresents his views and is a fraud on the unsuspecting public.

The full and complete statement of Jefferson may be read in the book, "Sketches of the Life, Writings and Opinions of Thomas Jefferson," by B. L. Rayner, published in 1832 by A. Francis and W. Boardman.

This book is in the library of Congress, under Class E. 332, Book R26.

On page 164 of this book is the following complete statement by Jefferson.

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government."

This has quite a different meaning from the half quotation inscribed on the Jefferson Memorial.

Immediately after this sentence, Jefferson penned the following:

"Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peacefully, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation, or deletion of the Moors. This precedent would fall far short of our case."

Both Jefferson and Lincoln realized the dangers of a possible amalgamation of the White and Negro races. Both spoke out publicly and in a fearless manner. Both believed the best solution was to colonize the Negroes across the sea.

Certainly it is an indisputable historical fact that Jefferson and Lincoln both favored segregation of the races in every phase of life.

No sensible person will proclaim that one race is superior to another in every respect. There are some White people who are superior to some Negro people in intellect, ability and personality. Likewise, there are some Negroes who are superior to some White people in this respect. The same is true of the other races.

Each race has its own culture, its own heritage, and its own talents. These are all developed best when the races are not mixed.

Yet, the real goal of the NAACP and its leaders is the amalgamation of the races. Because of this we are fast approaching the cross road of American history. The road we take will determine our future.

Chapter 11

THE FOURTEENTH AMENDMENT

EVERY DISCUSSION and every argument for or against segregation in the public schools must, of necessity, be based on either constitutional law or emotions, history, practice and custom or utter disregard for laws of the several states.

From the adoption of our Bill of Rights until the present era of the political Supreme Court, the Tenth Amendment had been the ruling constitutional law governing the internal affairs of the several states. This has been true even since the adoption of the Fourteenth Amendment.

It should be remembered that the Fourteenth Amendment was submitted for ratification of the Southern States after the War Between the States upon the theory that they had no right to leave the Union, and, in fact, had been at all times members of the Union. These states, except Tennessee, refused to ratify. Then, at the point of the bayonet, with most of the White citizens disfranchised, these states were forced to ratify it. Such ratification is, of course, contrary to law. But that is not the point at question here.

The Fourteenth Amendment does not in any way support the proposition that the several states may not have separate schools and colleges for the white and colored races. It merely provides so far as is here relevant: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

The entire claim to Federal interference in the public schools of the various states is based upon this provision.

Is a White student denied equal protection of the laws when he is required to attend a White school? Is a Negro student denied equal protection of the laws when he is required to attend a Negro school? If there be no Negro school with a class which the Negro student wishes to attend, is he denied equal protection of the laws if his expenses in a school in another State are paid in lieu of providing a school within his own State? If there is no White school with a class which the White student wishes to attend, is he denied equal protection of the laws if his expenses in a school without the state be paid in lieu of providing a school within the state?

Is equal protection of the laws denied because the races are separated in the public schools of a state?

There is no language in the Fourteenth Amendment to support the proposition that it is. Deliberate considerations of this amendment by the Supreme Court of the United States in former years reached no such con-

struction. On the contrary, that Court then determined that this amendment did not prohibit separate school systems for the two races in those states which desired such systems.

And why was this the interpretation of the Court in prior years?

Can't the Justices Read?

A majority of the segregated public school systems in the United States were established *after* the adoption of the Fourteenth Amendment! Many private citizens do not know this fact. Most advocates of ending segregation ignore it. And the present United States Supreme Court indicated that it was unable to determine whether the Congress submitting the amendment, or the ratifying state legislatures, intended that the amendment would prohibit state supported schools.

The "learned justices" had only to do a bit of research in any first rate library to have found their answer. They would have found that twenty-three of the first thirty states to ratify the Fourteenth Amendment continued, or adopted soon after the Amendment, statutory or constitutional provisions for racial segregation in the public schools. These states were Alabama, Arkansas, California, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nevada, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia.

They would have found that the Congress also established segregated public schools in the District of Columbia by law.

There are plenty of libraries in Washington, D. C. Can't the Justices read?

The fact that some of these states afterwards abandoned segregated schools does not lessen the fact that their original segregation laws were enacted and enforced although they had ratified the Fourteenth Amendment.

In some states, the very same legislature which ratified the Fourteenth Amendment also established segregated public schools immediately thereafter!

Surely, if the Fourteenth Amendment had been meant to prohibit segregation of the races, the national Congress would not have stood idly by without action. Remember, the Southern States were still occupied by Federal troops. Most of the legislatures were dominated and controlled by politicians placed in office with the protection of the Federal army of occupation.

Georgia and the Fourteenth Amendment

McElreath in his "Constitutional History" wrote:

"When the General Assembly of Georgia met in November, 1866, the most important question before it was the question whether it would adopt the Fourteenth Amendment to The Constitution of the United States.

Governor Jenkins, in his inaugural address, argued strongly against it. A joint committee of the Senate and the House presented a report containing the following unanswerable propositions:

"1. If Georgia is not a State composing part of the Federal Government known as the Government of the United States, amendments to the Constitution of the United States are not properly before this body;

"2. If Georgia is a State composing part of the Federal Government, known as the Government of the United States, then these amendments are not proposed according to the requirements of the Federal Constitution, and are proposed in such a manner as to forbid the legislature from discussing the merits of the amendments without an implied surrender of the rights of the State.

"This report concluded with the following resolution:

" 'Resolved, That the legislature of Georgia declines to ratify the proposed amendment, adding a fourteenth article to the Constitution of the United States.' This resolution received the unanimous vote of the Senate, and every vote of the House, save two."

After this action the State of Georgia was again placed under military rule by the Reconstruction Acts whereby Congress declared the state in a condition of war. Governor Jenkins was ousted as governor and the members of the General Assembly removed from office. The right to vote and to hold public office was denied to practically all Georgia's White citizens.

A Constitutional Convention was called, under the auspices of the military government, or army of occupation as it would be called today. This convention was held in Atlanta during the month of December, 1867 and January, February and March, 1868. "Of the 189 delegates, thirty-seven were newly-freed Negroes, twelve were white conservatives and 140 were white carpetbaggers and scalawags" (a term applied to collaborators and quislings in World War II). Thus reported the historian Orr, in her "History of Education in Georgia."

Rufus B. Bullock was chosen by the Republicans and the military army of occupation to become Governor of Georgia. In June, 1868, Congress passed an act admitting Georgia to representation in Congress and restoring civil government upon certain conditions, including that of ratifying the Fourteenth Amendment.

The Georgia General Assembly elected under the new Constitution met on July 4, 1868 and ratified the Fourteenth Amendment on July 22, 1868.

Later in the same session, that body expelled from its membership its Negro members on the grounds that colored persons were excluded from office by law. Governor Bullock notified Congress that Georgia was not complying with the reconstruction laws, and a new reconstruction period was underway. Congress refused to seat the representatives from Georgia and ordered Governor Bullock to reconvene the General Assembly with the expelled Negro members and to ratify the Fifteenth Amendment.

The General Assembly was recalled and Governor Bullock, in his address on February 2, 1870, called for a re-ratification of the Fourteenth

Amendment, because Congress had held that the legislature was illegal because of the ousting of the Negro members in 1868.

On February 2, 1870, the General Assembly of Georgia for the second time ratified the Fourteenth Amendment. It also ratisfied the Fifteenth Amendment.

It was this same General Assembly, under the urging of Governor Bullock, that passed the law establishing a free public school system on October 13, 1870.

The law provided for state and county boards of education, a state school commissioner, county school commissioners, subdistricts in the counties with school trustees, and boards of examiners to license persons applying for the privilege of teaching.

This same law, sponsored and recommended by Governor Bullock, provided for and established separate schools for white and colored students!

Yet, the present United States Supreme Court indicates that it cannot determine if the Congress which passed the Fourteenth Amendment intended it to prohibit segregated public schools!

If that Congress had intended the Fourteenth Amendment to prohibit segregation, it would have ordered the Georgia General Assembly of 1870 to repeal the law, just as it had ordered it to ratify the Fourteenth and Fifteenth Amendments; and just as it had ordered the General Assembly to reinstate the expelled Negro members.

The Court is deceiving no student of history when it takes such an attitude.

Fourteenth Amendment Unconcerned with Schools

Another thing which should not have been overlooked by the Court was the attitude of both races regarding segregation at the time of the adoption of the Fourteenth Amendment and the period immediately afterwards.

Much has been said and written by some of the more liberal-minded religious leaders and the liberal segment of the religious press favoring segregation, although they were extremely quiet on the subject until the Court's edict of 1954.

It would be interesting for all concerned to look into the record and see what the Negroes themselves thought about segregation and the Fourteenth Amendment during those early years immediately after its adoption.

Many churches in the South had Negro members at the time of its adoption. In many communities the slaves had attended these churches with their masters. After their freedom, many continued to attend their old churches.

Here is one example of what actually happened in one church, and I am informed by historians that this same action was taken by many churches during this same period.

Macon County, Georgia was one of those counties represented in the Georgia General Assembly by a Negro at the time the Fourteenth Amendment was ratified by that body.

In the official records of one of the churches, and so reported in the official "History of Macon County," by Hays, is the following report:

"Even after the War Between the States Negroes were received into membership by the church. But the Negroes began to change their attitude toward the church, and in 1870 it was agreed that some action should be taken by the church in relation to the colored members, they having apparently abandoned the church, whereupon a committee was appointed to notify them to appear at our next meeting that we might confer with them and ascertain if it was their desire to remain with us, or to withdraw from us."

It should be remembered that in those days church discipline required regular attendance unless Providentially hindered.

The history states that the last record of this church's relation to its colored members was on November 19, 1870, and reads as follows:

" 'When several of our colored members made application for letters of dismission for the purpose of organizing themselves into a church, and it being represented to us that the other colored members not present also wished letters of dismission for the same purpose, it was agreed that the clerk grant letters to any and all of them who might apply to him for the same that he knew to be in good standing in the church.' There were sixteen colored members of the church at that time."

This act of segregation on the part of the Negroes themselves took place in a town where the Negro member of the General Assembly of Georgia from that county lived. It was eight months after the Georgia legislature ratified the Fourteenth Amendment!

It stands to reason that if the Negro representative from Macon County had thought or believed that the Fourteenth Amendment prevented segregation in any form, he would have so advised the Negroes and they would not have segregated themselves from this church by their own free will.

Certainly, in this instance, neither the White nor the Negro members of this church thought segregation was illegal or un-Christian. It was a matter of free choice here by the Negroes. In the intervening years it became a matter of custom and practice. And after many years, custom, practice and tradition became the accepted rules governing any free society.

Supreme Court Upholds Segregation

The first real test of the effect of the Fourteenth Amendment on segregation came when the United States Supreme Court declared the Federal Civil Rights Act of 1875 unconstitutional. It held that "no countenance of authority for the passage of the law in question can be found in either the Thirteenth or Fourteenth Amendments of the Constitution."

This ruling was made by the Court, whose members were active in legal affairs and the courts at the time of the adoption of the Fourteenth Amend-

ment and who had been appointed to the Supreme Court by Presidents Lincoln, Grant and Hayes. Certainly they knew, if anyone did, whether or not the Fourteenth Amendment prohibited segregation by the several states.

In *Plessey v. Ferguson*, the United States Supreme Court in 1895 distinctly ruled that the Fourteenth Amendment did not prevent the individual states from recognizing that there are differences between the White and Colored races, and that the states might lawfully and in full keeping with all provisions of the Constitution of the United States, provide separate and substantially equal public schools for the two races.

Four other major decisions by the United States Supreme Court in subsequent cases ruled as did the Supreme Court in this decision. It became the accepted law of the land. Congress accepted it and continued to allow segregation in the public schools of the District of Columbia. The various states continued their legal segregation by constitutional provisions and state statutes. Segregation in public schools in those states, where it was desired, was continued by legal and constitutional provisions and by judicial interpretation of the United States Constitution.

However, as pointed out elsewhere in this book, the United States Supreme Court in recent years has been packed with politicians, men whose appointment would have outraged Alexander Hamilton and other Founding Fathers.

The United States Supreme Court in *Sweatt v. Painter*, ordered Negroes admitted to the University of Texas Law School, established for White students, on the grounds that the Texas State University for Negroes Law School was not equal to the law school at the University of Texas. This was done in spite of the fact that the Court of Appeals of Texas and the Texas Supreme Court had ruled that the privileges, advantages, and opportunities for the study of law at the Negro college were substantially the same as those of the White school.

The United States Supreme Court, in effect, said the Texas Courts did not know what they were talking about.

Next came the fantastic United States Supreme Court ruling in the case of *McLaurin v. Oklahoma State Regents for Higher Education.* Here the Court actually held that although the Negro student received the same instruction from the same professors and the same text books, and at the same time and place as the White students, the state was in violation of the Fourteenth Amendment because it required the Negro student to observe separate seating and eating arrangements!

The Court said: "We hold that under those circumstances the Fourteenth Amendment precludes differences in treatment based upon race."

Now this is an extraordinary statement. It is extraordinary not only because of its construction of the Fourteenth Amendment, but because of the conciseness of treatment in reference to such construction. The amendment is not quoted in the decision. None of its language is referred to in

the opinion. No language thereof sustaining the position taken by the Court is substantially stated.

A tragic sidelight of this ruling is that there are thousands of ambitious White and Negro students, whose parents are too poor to send them to a state-supported university, who would gladly accept separate seating and eating arrangements if it meant they could obtain a college education. But this sort of arrangement was not good enough for McLaurin, the NAACP, or the United States Supreme Court.

In the 1954 segregation edict against public school systems in Virginia, South Carolina, Kansas and Delaware, Chief Justice Warren, in his opinion, stated:

"We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. . . ."

Why is there a difference in the rulings in the Plessey, the Sweatt, the McLaurin, and in the 1954 public school segregation cases?

The Constitution of the United States has not been changed. Congress has passed no new laws on the question. Indeed Congretss has time and time again refused to enact such laws.

Mr. Justice Harlan, the grandfather of the present Justice, pointed out in one of his brilliant opinions:

"This, as has been often observed, is a government of law, and not a government of men, and it must never be forgotten. . . ."

However, the present United States Supreme Court has ignored or forgotten this fundamental principle upon which our nation's Constitution was written and adopted.

In its 1954 edict against segregation in the public schools, the Court relied more upon men than it did upon constitutional law, prior decisions of the United States Supreme Court, previous decisions of federal district courts, opinions of various state Supreme Courts, legal precedents, customs and traditions.

One has only to study the Court's opinion. Read the footnotes and authorities quoted. It is easy to see then that this decision was based on opinions of men, men who claim to be authorities in sociology, psychology and anthropology, and not authorities on constitutional law.

Chapter 12

EFFECTS OF THE COURT'S SEGREGATION EDICT

WITH ITS May 17, 1954 edicts against segregation in the public schools, the United States Supreme Court placed in the hands of the National Association for the Advancement of Colored People, its members and Negro citizens, the power and the authority to destroy the public school systems of many sovereign states.

The Court itself usurped the powers of the legislative branches of the Federal and State governments by changing the Constitution of the United States and the Constitutions and Statutes of seventeen sovereign states.

The Supreme Court told the Federal District Court judges they had been absolutely wrong in ruling that segregation in the public schools was constitutional. The Court held that although the Federal District Court judges did not know what they were talking about, they (the District Courts) must enforce the edict of the Supreme Court.

The present Supreme Court also told the world that Chief Justice Taft, Chief Justice Hughes and Justices Bradley, Holmes, Harlan, Stone, MacReynolds, Cordazo, Brandies, and other great Justices did not what they were doing when they, as members of the highest Court, had upheld the constitutionality of segregation in five previous decisions.

The present Supreme Court told the sovereign states and their citizens that they did not have the authority to operate their own public school systems and that the courts would assume that authority.

The present Supreme Court set itself up as an all-powerful legislative body and at the same time as a superduper national board of education.

When this notorious edict was issued by the present Supreme Court on May 17, 1954, citizens throughout the United States were shocked and surprised.

Great concern for Constitutional law and legal precedents were expressed by students of law in every section of the nation. Many citizens in the South were stunned. The same was true of citizens in other sections of the nation. A large percentage of Negroes in the South were surprised and alarmed.

At a press conference at the Governor's Mansion in Atlanta that afternoon, I issued the following statement in part:

Georgia's Stand on Segregation

"The United States Supreme Court by its decision today has reduced our Constitution to a mere scrap of paper. It has blatantly ignored all law and precedent and usurped from Congress and the people the power to amend the Constitution and from the Congress the authority to make the laws of the land. Its action confirms the worst fears of the motives of the men who sit on its bench and raises a grave question as to the future course of this Nation.

"There is no Constitutional provision, statute, or precedent to support the position the Court has taken. It has swept aside 88 years of sound judicial precedent, repudiated the greatest legal minds of our age and lowered itself to the level of common politics.

"It has attempted in one stroke to strike the Tenth Amendment from the Constitution and to set the stage for the development of an all-powerful federal bureaucracy in Washington which can regulate the lives of all citizens to the minutest detail.

"The people of Georgia believe in, adhere to, and will fight for their right under the United States and Georgia Constitutions to manage their own affairs. They cannot and will not accept a bald political decree without basis in law or practicality which overturns their accepted pattern of life.

"The Court has thrown the gauntlet before those who believe the Constitution means what it says when it reserves to the individual states the right to regulate their own internal affairs. Georgians accept the challenge and will not tolerate the mixing of the races in the public schools or any of its tax-supported institutions. The fact that the high Tribunal has seen fit to proclaim its views on sociology as law will not make any difference.

"If adjustments in our laws and procedures are necessary, they will be made. In the meantime, all Georgians will follow their pursuits by separate paths and in the accepted fashion. The U. S. and Georgia Constitutions have not been changed. The Georgia constitution provides for separation of the races. It will be upheld."

The citizens of Georgia and most of the other Southern States went on about their daily tasks, worried and upset, but with little outward display or turmoil. This attitude continued with the opening and operation of our segregated public schools that fall.

The Results of Integration

However, this was not true in the District of Columbia, the border states, or in Delaware, where segregation was ordered ended immediately by some school districts. Noisy demonstrations and near riots rocked two high schools in Washington, D. C., where President Eisenhower ordered an immediate end to segregation in the public schools without waiting for the Court's implementing edict. Many White children were removed from the public school system and sent to private schools.

So many other parents requested transfers for their children, especially in schools where the classes were predominantly Negro, that when the requests were clearly racial, transfers were usually denied, according to the *United States News and World Report.*

The most common method, and an expensive one, that is being practiced by large numbers of parents, is to move out of Washington into areas all White or nearly so, especially into the suburbs across the Virginia and Maryland state lines. In one area in Washington, where the Negro population has been increasing, there was mass exodus of White residents when President Eisenhower announced his desegregation order.

In Washington there were 64,000 Negro students to mix with 41,000 White pupils. One high school had two white students to 1,861 Negroes. Another had three Whites to 1,152 Negroes. At a third, there were only two Negroes to 519 Whites.

When the Washington schools opened in the fall of 1954 for the first sessions of mixed schools, 59 per cent of the pupils were Negroes. By the end of the term, so many White students had dropped out of the public school system that the proportion of Negro students had grown to 61 per cent.

One Washington elementary school had 400 White students in 1954, but opened the fall session with only 300 White students. Before the term was over it had even fewer. Another elementary school has 570 White pupils but its White enrollment dropped to 404. Still another had an enrollment of 500 White students, but saw that enrollment drop to 265. One school had its White enrollment drop from 130 to 64.

Social activities of the high schools and the junior high schools have been curtailed greatly. The usual class dances have not been held, as mixed dances have been frowned upon by school authorities for fear of outbreaks.

Some schools have dropped dramatics for fear that plays might bring White and Negro students into romantic or family situations on the stage. Other schools have given up folk and square dancing in their physical education classes.

Discipline in many Washington schools has become more difficult to maintain, many teachers report, and this is adding to the nervous tension that is boiling under the surface in every Washington school. School officials are doing everything possible to prevent any outbreak. They live in constant fear.

Baltimore, Maryland, was another large city which quickly introduced integrated schools. Immediately, a strike of White students occurred. Police escorted the Negro students to their homes, and hundreds of White students marched on the city hall. Fighting broke out and police reserves had to be used

I am certainly not condoning violence in this tragic matter. However, in all fairness to the Negro and White people in the South, these incidents should be remembered if forced integration is ever attempted in the South.

At White Sulphur Springs, West Virginia, the Greenbrier County

Board of Education voted to end segregation in its system without waiting for the Court's follow-up decree. Trouble broke out immediately. White parents held an orderly meeting, but voted to remove bodily any Negroes who might attempt to mix the classes. This was not a small minority of the White parents. It was a big majority who took part, according to the press reports.

Confronted by the angry demands of the White parents, the Greenbrier Board immediately rescinded its action and ordered segregated schools again.

Demonstrations cropped up at Rupert, West Virginia, where parents and students demonstrated against the desegregation order.

Attempts to mix White and Negro students at Milford, Delaware failed when White parents and students staged a demonstration against the Board of Education's action in ordering integration. Parents allowed and encouraged the students to strike. Public opinion forced the school board to rescind its order although the Delaware Attorney-General tried to force the Milford board to carry out its original order. The school was closed for several days. When it reopened, it was a segregated school.

Bryant Bowles, one of the leaders in the Milford revolt, was arrested on orders of the Attorney-General for "conspiring to violate the state's educational laws." Bowles was finally tried in mid-1955 and the jury acquitted him immediately.

Remember, these incidents happened outside the South. Is there any wonder that we in the South are greatly concerned about what will happen should forced integration be tried here?

The victims of these demonstrations and these reversals of school board directives were the Negro students and their parents. It is safe to say that perhaps not more than two percent of them wanted mixed schools. Yet, they were forced to give up their own schools and to be placed in the center of these dangerous situations by a Court which wanted to correct "sociological inequalities" in this nation.

What Can the Southerners Do?

What then may Southern states, wishing to preserve segregation in the schools, do about this grave question?

In Georgia mixed schools have been prevented by our Constitution since 1877. The state appropriation bill prevents the use of any state funds for public education in non-segregated schools.

Thus, the day the United States Supreme Court orders Georgia to integrate its public schools, that will be the day Georgia's public school system will be legally destroyed by the Supreme Court.

This is no new Constitutional provision put into this state's basic laws because of the Court's edict. It has been the Georgia Constitutional law for over three-quarters of a century.

However, the citizens of Georgia have looked ahead and provided for this day by amending the Constitution so that people may be able to edu-

cate their children in schools of their choice. The people placed in the educational article of the Georgia Constitution at the last General Election the following paragraph: "The General Assembly may by law provide for grants of State, County or Municipal funds to citizens of the State for educational purposes, in discharge of all obligations of the State to provide adequate education for its citizens."

This would mean that students would attend private schools of their choice. It is already within the power of the State to regulate private schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition; that certain studies plainly essential to good citizenship be taught, and that nothing be taught which is inimical to the public welfare.

The state may legislate for the safety of immature children in matters of health, morals and general welfare, and may prescribe regulations as to buildings, equipment, financial resources, safety appliances, sanitary conveniences, hours of study and training, and the like, and the minimum scholastic training standards, including qualifications for teachers for private schools.

We have had in Georgia, for many years, a large number of outstanding privately operated universities, colleges, junior colleges, high schools and elementary schools under supervision of our education department.

What other states may do will depend on their Constitutions and educational statutes.

The then Assistant Attorney General of North Carolina, Dr. I. Beverly Lake, who presented North Carolina's argument before the Supreme Court in the recent segregation cases, has outlined a plan for that state.

Dr. Lake proposes a system of chartered, non-profit, non-sectarian corporations to operate their own private schools if North Carolina is forced to operate integrated schools. Such schools would be operated in every community. His plan is very similar to Georgia's.

Alabama and Mississippi, have both taken steps to preserve segregated schools and South Carolina, Virginia and Louisiana are making similar plans. It is not for me, a citizen of another state, to recommend any specific plans to these states or to my friends in these states.

However, I do know that if the citizens of these states are determined to preserve segregation, they have it within their power to do just that. It will take courage, determination and organization, but I am confident that we in the South can preserve our way of life and our schools if we so desire.

The day after the Supreme Court rendered its implementing decree on public school segregation in June, 1955, the influential Richmond (Va.) *News Leader* outlined a plan which may be followed in many of the Southern states.

In a forceful editorial the *News Leader* advocated "lawful resistance" to the Court's ruling. It proposed among other things the elimination from the State Constitution and from the Code of Virginia all laws that now re-

quire public schools; repeal of the compulsory school attendance law so there would be no provision of the law that might compel parents, White or Negro, to send their children to any given school against their will; draft a law permitting the assignment of individual pupils to particular schools; pass legislation that would achieve the maximum possible decentralization of authority over school operations; formulate legislation that would give fresh stimulus to the formation and operation of private schools; pass legislation to establish within the Attorney General's office a special division, generously financed and staffed, to assist local authorities in the long and expensive litigation.

Then the *News Leader* editorial asks,

"Is all of this to advocate that Virginia attempt, by lawful means, to get around the law?

"That is exactly what we advocate.

"For let this be said once more, in unmistakable language: In May of 1954, that inept fraternity of politicians and professors known as the United States Supreme Court chose to throw away the established law. These nine men repudiated the Constitution, spit upon the Tenth Amendment, and rewrote the fundamental law of this land to suit their own gauzy concepts of sociology. If it be said now that the South is flouting the law, let it be said to the high court: *you taught us how.*

"From the moment that abominable decision was handed down, two broad courses only were available to the South. One was to defy the court openly and notoriously; the other was to accept the court's decision and to combat it by legal means. To defy the court openly would be to enter upon anarchy; the logical end would be a second attempt at secession from the Union. And though the idea is not without merit, it is impossible of execution. We tried that once before.

"To acknowledge the court's authority does not mean that the South is helpless . . . Rather, it is to enter upon a long course of lawful resistance; it is to take lawful advantage of every moment of the law's delays . . . Litigate? Let us pledge ourselves to litigate this thing for 50 years. If one remedial law is ruled invalid, then let us try another; and if the second is ruled invalid; then let us enact a third.

"But while we resist, let us do everything we can—not because of the Supreme Court *but in spite of the Supreme Court*—to raise the cultural and educational levels of all our people. We should continue to do our utmost to assure education for every child, white and colored alike. . . .

"Yesterday's opinion of the Supreme Court ended nothing. It changed nothing. And if it be said that the court's opinion was conciliatory, we would reply that the South is no more of a mind to conciliate on Wednesday that it was on Tuesday. When the court proposes that its social revolution be imposed upon the South as soon as practicable, there are those of us who would respond that 'as soon as practicable' means never at all."

These are sound words and excellent suggestions by one of the South's oldest and most respected newspapers.

Chapter 13

A DEADLY BLOW TO NEGRO TEACHERS

IF INTEGRATION in public schools of the South should ever become a reality, the one group of people who would be hit the hardest would the Negro school teachers.

At the time of the Supreme Court's edict against segregated schools there was a total of 10,248 Negro teachers employed in the 31 states with non-segregated schools.

On the other hand, the seventeen states and the District of Columbia with segregated schools employed 76,390 teachers including 20,000 Negroes who were school principals.

"Negro teachers in the South, thousands of them, are to lose their jobs when segregation ends in public schools," reported the authoritative *U. S. News and World Report* in its issue of August 27, 1954.

And how does this astute magazine arrive at its conclusion? It bases its statement on the manner in which Negro teachers are employed, or rather not employed, in the non-segregated East and North!

"If they go on teaching," the *U. S. News and World Report* stated, "the North will have to give them jobs. But openings there will be scarce, if present use of Negro teachers is any criterion."

The great FEPC State of New York, in 1954, had a total of 918,191 Negro citizens and employed only 1,693 Negro school teachers. In Georgia, where FEPC advocates claim so much discrimination is practiced, there are 8,510 Negro teachers with the Negro population 1,062,762. In other words, there is one Negro teacher in New York for every 542 Negroes, while in Georgia there is one Negro teacher for every 124 Negroes. Negro teachers in Georgia received $23,216,700 from the State of Georgia in salaries, at the same rate of pay as the White teachers.

The ratio is almost identical throughout the South in the segregated states, if you please.

In the State of California, where Chief Justice Warren was governor for so many years until his appointment to the Supreme Court two years ago, there were in 1954 a total of 923 Negro teachers with the state's Negro population listed as 462,172, a ratio of one Negro teacher for every 500 Negro residents.

The State of Ohio had 1,051 Negro teachers, a Negro population of 513,027 and a ratio of one Negro teacher to 488 Negro citizens.

Pennsylvania employed 1,386 Negro teachers for its Negro population of 638,485, a ratio of one to 460 Negro residents.

According to a survey made by David Lee, Negro editor of the *New Jersey Telegram* of Newark, there were only twenty-five Negro teachers in the State of Connecticut two years ago. Albany, N. Y., the capital of its FEPC state, had only three Negro teachers. In Lee's own city of Newark, where he says Negroes comprise twenty per cent of the population, there were only 70 Negro teachers and not one Negro principal.

Now let us look at some of the segregated states and check their records.

North Carolina, with a Negro population of 1,047,353, employed 8,518 Negro teachers, or one Negro teacher for every 123 Negro citizens.

South Carolina, with 822,077 Negroes, employed 6,815 Negro teachers for a ratio of one Negro teacher to every 120 Negro residents.

Alabama had 7,702 Negro teachers with a Negro population of 965,000, or a ratio of one Negro teacher for every 126 Negro citizens.

If Negro teachers cannot obtain employment in states which have had mixed schools for years and where customs and traditions are no barriers, what may they expect in the Southern states where integration might be forced on the people?

The answer is simple. There will be no Negro teachers in mixed schools. We have learned our lesson well from the non-segregated states, some of whose leaders seem determined to join with the NAACP in forcing an end of segregation in the South. If this happens, and it surely will should integration be forced on us, then the Negro teachers will have no one to blame but the NAACP, its leaders and its political friends.

The segregated states of the South have an average of four state colleges and universities each for Negroes. These institutions are headed by Negro presidents, Negro deans and Negro faculty members. Their service will certainly not be needed by these states if forced segregation becomes effective.

There are many outstanding private Negro colleges in the South which provide fine teacher training programs for hundreds of Negro students each year. If Negro teachers are to be forced from this profession by the Supreme Court and the NAACP leaders, then these colleges will have to close their doors.

In Atlanta, Georgia, there are six private Negro colleges and universities: Atlanta University, Spelman College, Morris Brown, Gammon Theological Seminary, Clark, and Morehouse colleges. These institutions have done a remarkable job for the Negro race, but their usefulness will just about end should integration be forced in the state universities and colleges.

The NAACP delights in collecting dues and donations from Negro teachers, but seems little concerned about their future in the South, if its actions in the non-segregated states is any measure. There the NAACP leaders are too busy putting political pressure on Congressmen, governors

and state legislatures to pass FEPC legislation. They have little or no time left to use that same pressure to obtain more teaching posts for members of the Negro race.

The people of the segregated states would much prefer to continue to employ the 76,390 Negro school teachers in their public school systems than to see the present fine systems destroyed. However, if the Supreme Court's decree is forced on us, then these teachers will have only the Supreme Court and the NAACP to blame for the loss of their teaching jobs.

Most Negro teachers realize this fact, but many of them are afraid to speak out because of the NAACP and its leaders. They are worried because they know they cannot expect to find employment outside the South in public schools and they do not expect to be employed in non-segregated schools in the South.

The Supreme Court and the NAACP have jointly slammed the door in their faces.

Chapter 14

FOOTNOTES TO THE COURT'S DECISION

IN ITS EDICT against segregation in the public schools, the Supreme Court ignored and over-ruled at least five Federal Court decisions, thirteen decisions of other Federal courts and fifty-nine state and territory decisions. The court rejected history, philosophy, custom and precedents of law in its decree.

Every authority from the Supreme Court on down is agreed that this ruling was based solely on sociology and philosophy rather than the law. Judges, members of the bar, newspaper editorial writers, newspaper columnists and national magazine writers have all pointed out this fact.

One newspaper, the *New York Times*, wrote, "The court's opinion read more like an expert paper on sociology than a Supreme Court opinion. It sustained the arguments of experts in education, sociology, psychology and anthropology . . ."

Yes, that is true. The decree was based on practically everything under the sun except the Constitution of the United States and precedents of previous court decisions.

In the decree, Chief Justice Warren wrote:

"To separate them (Negro children) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . .

"We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

Obviously then, the Court accepted the opinions of the so-called experts in the field of sociology and psychology rather than constitutional law, custom and legal precedent.

These so-called experts declared that segregation impaired the Negroes ability to learn, deterred the development of their personalities, deprived them of equal status in the school community, destroyed their self-respect,

denied them full opportunity for democratic *social* development, subjected them to prejudices of others, stamped a badge of inferiority on them.

If this reasoning is correct, the same rule holds true for those students in public schools who are segregated according to sex. There is little doubt that some time within the future the Supreme Court's reasoning and opinion in this case will be thrown back into their faces by some parents who will demand that public school segregation according to sex is illegal. Yet, there are many public schools in our cities thus segregated with boys going to one school and girls to another.

The Supreme Court is Confused

I have pointed out previously how many decisions of the United States Supreme Court this present court has overturned. These courts contained justices of the highest judicial training. However, the present Supreme Court has also over-ridden some of its own decisions.

> *It might be rather amusing, if it were not so tragic that only two years before the Court handed down its sociological decree against segregation in public schools, it had denied its own competence to pass on such matters.*

On April 28, 1952, Mr. Justice Frankfurter handed down an opinion with Chief Justice Vinson and Justices Burton, Minton and Clark concurring. In it a majority of the Court absolutely denied the competence of the Court to pass upon issues such as those presented in the segregation cases.

In his majority opinion, Mr. Justice Frankfurter said:

"Only those lacking responsible humility will have a confident solution for problems as intractable as the frictions attributable to differences of race, color, or religion . . . . Certainly the due-process clause does not require the legislature to be in the vanguard of science—especially sciences as young as human sociology and cultural anthropology . . . .

"It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

Thus, the Supreme Court in 1952 was unable to relate science to the Constitution. Yet, in just two short years it found "scientific authorities" to sustain its position of what the Fourteenth Amendment should mean in terms of sociology, psychology and anthropology. These sciences referred to by the Court in 1952 as "young," certainly aged within two years in relation to human civilization!

The footnotes to the segregation decision refer to numerous authorities in the field of sociology. In fact for the first time in a major Supreme Court decision there are more references to such so-called experts in the footnotes of the opinion than there are references to laws and the Constitution.

Who then are these authorities? What is their background? What has been the nature of their work in this field? What is their public record? What is their political background? What do they really believe?

Surely, if they are such "important" and "recognized authorities" that the United States Supreme Court relied more on their writings and beliefs than it did on Constitutional law and opinions of some of the greatest judges ever to sit on this high court, the American people are entitled to know all about them.

The distinguished Chairman of the Senate Internal Security Committee, Senator James O. Eastland, revealed some startling and shocking facts regarding these "authorities" on the floor of the United States Senate on May 26, 1955.

The facts are so serious in view of the United States Supreme Court's recognition of these men as "authorities" that it is indeed stranger that little note was taken of Senator Eastland's revelation by the newspapers of the nation.

Actually, they are of such grievous nature that every honest newspaper in the nation should have published them. Even in the South, few of our daily newspapers published these facts! Perhaps the wire services did not send out the story. Perhaps the Washington correspondents did not send the story to their newspapers. Regardless of the reasons, these revelations were withheld from the general public. This censorship is doubly strange when we remember how the news flashed when the Court quoted these "experts" as the final authority for their now famous decision.

The "Authorities" Quoted by the Court

Here is what the Chairman of the Senate Internal Security Committee revealed to the Senate on May 26, 1955, as shown on Pages 6069–6072 of *The Congressional Record* of that date:

". . . Let us consider the so-called modern authorities on psychology cited by the Court as its authority to change and destroy the constitutional guaranties of the reserved natural rights of the people of the States of the Union to freedom of choice and of the States to regulate their public schools.

"First, they cited one K. B. Clark, a Negro, so-called social science expert employed by the principal plaintiff in the segregation cases, the NAACP, whose lawyer argued these cases before the Court. To say the least, it is the most unusual procedure for any court to accept a litigant's paid employee as an authority on anything, let alone as an authority on psychology, to put him above the Constitution itself.

"Then, too, we find cited by the Court as another alleged modern authority on psychology to override our Constitution, one Theodore Brameld, regarding whom the files of the Committee on Un-American Activities of the United States House of Representatives are replete with citations and information. He is cited as having been a member of no less than 10 organizations declared to be Communist dominated. His name has frequently appeared in the news columns of the *Daily Worker.*

"Brameld, according to the Communist Official *Daily Worker* of

February 28, 1949, signed a statement of the Committee for Free Political Advocacy defending the 12 Communist leaders.

"Again, on December 10, 1952, the *Daily Worker* shows that Brameld signed an appeal to President Truman requesting amnesty for leaders of the Communist Party convicted under the Smith Act.

"And, again, on February 10, 1939, the *Daily Worker* shows Theodore Brameld to have signed a letter in defense of the appointment of Simon W. Gerson, a Communist, to the staff of Stanley Isaacs.

"His name appears on a brief submitted by Cultural Workers to the Supreme Court in October 1949, on behalf of the 10 convicted defendants engaged in the motion-picture industry, who were charged with contempt of a congressional committee for refusing to affirm or deny membership in the Communist Party in response to committee questions.

"He was affiliated with the American Committee for Protection of Foreign Born, as shown by the *Daily Worker* of August 10, 1950, which committee was cited as subversive and Communist by Attorney General Tom Clark in letters to the Loyalty Review Board, released on June 1 and September 21, 1948, and was redesignated by Attorney General Brownell, April 29, 1953, under provisions of Executive Order 10450. The Special Committee on Un-American Activities cited the American Committee for Protection of the Foreign Born as 'one of the oldest auxiliaries of the Communist Party in the United States.'

"He was listed by the *Daily Worker* on January 11 and 25, 1938, as a supporter of the Boycott Japanese Goods Conference of the American League for Peace and Democracy. The American League for Peace and Democracy was established in 1937 as successor to the American League Against War and Fascism 'in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union' and 'was designed to conceal Communist control, in accordance with the new tactics of the Communist International.'

"This is shown by report of Attorney General Biddle, *Congressional Record*, September 24, 1942; by report of Attorney General Clark—letters to Loyalty Review Board, released June 1 and September 21, 1948; and by Attorney General Brownell in his memorandum of April 29, 1953. The Special Committee on Un-American Activities cited the American League for Peace and Democracy as 'the largest of the Communist-front movements in the United States . . . .'

"Brameld was one of those who issued a statement of the Committee for Peaceful Alternatives to the Atlantic Pact, dated December 14, 1949, calling for an international agreement to ban the use of atomic weapons. But the Committee . . . was formed to further the case of Communists in the United States doing their part in the Moscow campaign according to a report of the Committee on Un-American Activities, April 25, 1951.

"He was a sponsor of the Midcentury Conference for Peace, May 29–30, 1950, which was cited by the committee as having been 'aimed to assembling as many gullible persons as possible under Communist direction and turning them into vast sounding board for Communist propaganda.'

"Brameld was a sponsor of the Cultural and Scientific Conference for World Peace, held under the auspices of the National Council of the Arts, Sciences, and Professions, New York City, March 25–27, 1949. On April 19, 1949, the Committee on Un-American Activities cited the Cultural and Scientific Conference as a Communist-front, which was 'actually a supermobilization of the inverterate wheelhorses and supporters of the Communist Party and its auxiliary organizations.'

"Brameld was a sponsor of a conference held October 9–10, 1948, by the National Council of the Arts, Sciences and Professions, which was cited as Communist-front in the same committee report on April 18, 1949.

"In October, 1936 he was a member of the Nonpartisan Committee for the reelection of Congressman Vito Marcantonio, which organization was cited by the Special Committee on Un-American Activities as a Communist-front of March 29, 1944.

"In 1939, Theodore Brameld also was sponsor of the Refugee Scholarship and Peace Campaign, which was cited as Communist by the Special Committee on Un-American Activities in its report March 29, 1944.

"There is the public record of Theodore Brameld, who was cited by the Supreme Court as a modern authority on psychology in support of its racial integration decision May 17, 1954. This record not only was available to Chief Justice Warren and the Associate Justices of the Supreme Court upon request, but this record of Brameld was made up partly by an Attorney General who is now a member of the Court which rendered that decision, and by officially printed report of the administration of Chief Justice Warren when he was governor of the State of California.

Commie "Experts" Quoted by Court

"Also cited by the Court as one of its modern authorities on psychology to overthrow the accepted meaning of a provision of the United States Constitution was one E. Franklin Frazier. The files of the Committee on Un-American Activities in the United States House of Representatives contain 18 citations of Frazier's connection with Communist causes in the United States.

"He signed a statement of the National Federation for Constitutional Liberties, hailing the War Department's order regarding commissions for Communists. The National Federation for Constitutional Liberties was cited by the Attorney General in letters furnished the Loyalty commission on December 4, 1947 and September 21, 1948, as 'subversive and Communist Party inspired, by which Communists attempt to create sympathizers and supporters for their program.' On September 2, 1947, the special committee again cited the National Federation for Constitutional Liberties as among a maze of organizations which were spawned for the alleged purpose of defending civil liberties in general, but actually intended to protect Communist subversion from any penalties under the law.'

"Frazier was a sponsor of the Washington Committee for Democratic Action, which was cited as subversive and Communist by the Attorney

General of the United States in letters released December 4, 1947, and September 21, 1948.

"E. Franklin Frazier published a pamphlet entitled "Seeing Is Believing" in 1947, as a member of the Council on African Affairs, Inc., of which he was a member . . . cited by the Attorney General.

"E. Franklin Frazier signed an appeal to lift the Spanish embargo sponsored by the Negro People's Committee to Aid Spanish Democracy, as shown by the *Daily Worker* of February 8, 1939 . . . cited as a Communist front organization.

"In 1946, evidence in the House Committee on Un-American activities showed that Frazier was a member of the Board of Directors of the Committee for a Democratic Far Eastern Policy which was cited by the Attorney General as a Communist organization . . . April 27, 1949.

"The same Frazier, as a member of the Civil Rights Congress, signed a statement defending the Communist Party, as shown by the Communist *Daily Worker*, April 16, 1947. The Attorney General cited the Civil Rights Congress as subversive and Communist in letters released December 4, 1947, and September 21, 1948. The Congressional Committee in its report of September 2, 1947 cited the group as 'dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party' and 'controlled by individuals who are either members of the Communist Party or openly loyal to it.'

"Frazier was named in the Communist *Daily Worker* of July 18, 1949, as one of the sponsors of a group defending the 12 Communist leaders on trial . . . .

"In 1947, Frazier was a member of the executive board of the Southern Conference for Human Welfare . . . on June 12, 1947, the Congressional Committee cited the Southern Conference for Human Welfare as a Communist front organization 'which seeks to attract Southern liberals on the basis of its seeming interest in the problems of the South,' although its 'professed interest in Southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States.'

Now this was the outfit from which Mr. Justice Black of the United States Supreme Court; Ellis Gibbs Arnall, when Governor of Georgia; and Dr. Will Alexander, vice president of the Rosenwald Foundation, all accepted awards for their "contributions to human welfare." In so doing, they were lending their names, their positions and their prestige to this notorious outfit.

Continuing, the Chairman of the United States Senate's Internal Security Committee told the Senate, "E. Franklin Frazier was a speaker at the Southern Negro Youth Congress, as shown by the Communist *Daily Worker* . . . and cited by the Attorney General.

"Frazier's name appeared in a published signed statement in the *Washington Post* on May 18, 1948, as opposing the Mundt-Nixon anti-Communist bill.

"Frazier was a sponsor of 'Social Work Today,' in 1940, and he was one of those credited, by its publication in February, 1942, as having made it possible for 'Social Work Today' to strengthen and prepare itself for the supreme test. 'Social Work Today' was cited as a Communist magazine by the special committee in its report of March 29, 1944.

"E. Franklin Frazier was one of those who signed a statement condemning the 'punative measures directed against the Communist party,' as shown by the Communist *Daily Worker* of April 16, and 20, 1947.

"Frazier wrote the book, "The Negro in the United States,' which was favorably reviewed by the Communist social journals, *The Worker* and *Daily People's World*; and his book was advertised in the Communist Workers Book Shop catalogs for 1949 and 1950.

"Incidentally, Frazier's Communist officially adopted book, 'The Negro in the United States' is the same book which was officially adopted and cited as authority by the United States Supreme Court in its racial integration public school cases on May 17, 1954!

"The same Frazier glorified the brazen Negro Communist Paul Robeson, according to the Communist *Daily Worker* of November 4, 1949, by stating at a public meeting in Turner's Arena 'that in American culture the Negro male has never been permitted to play a masculine role. Robeson represents the Negro man in the masculine role as a fearless and independent thinker.'

"To round out his great career in the Communist cause, the same E. Franklin Frazier, according to the Communist official organ, the *Daily Worker* of March 5, 1951, signed a letter to President Truman, asking him to recognize the seating of the Communist Peoples Republic of China in the United Nations.

"E. Franklin Frazier had been too prominently and frequently connected with Communist and subversive organizations for almost anyone in public life in Washingotn not to have been put on notice.

"Certainly, the highest Court of the land was more than careless in defending the Constitution by adopting E. Franklin Frazier as an alleged authority on modern psychology to override and overthrow the fundamental principles of our Constitution."

The Chairman of the Senate Internal Security Committee continued,

Court Trusts Foreign "Experts"

"The Court cited and adopted generally, and without reservation, as its leading authority on modern psychology, Myrdal's book, 'An American Dilemma,' when it said, and I quote from Chief Justice Warren's opinion: 'And see generally Myrdal, An American Dilemma, 1944.'

"Let us take a look and see what the Court adopted as its leading authority on modern psychology as the basis for its racial integration decision, when it adopted Myrdal's 'An American Dilemma.'

"In 1937 the Carnegie Foundation brought over Dr. Gunnar Myrdal,

professor in the University of Stockholm. He was described by the corporation as a social economist. He called himself a social engineer. He was a socialist who had served the Communist cause. He admitted he had no knowledge of the Negro question in the United States. He was hired to make an investigation of race relations in this country; was given an ample staff and funds for that purpose, and was told to publish his findings. On this project Myrdal naturally found himself in the company of those recommended by the Carnegie Foundation, of Alger Hiss fame.

"Myrdal has an utter contempt for the principles upon which the United States was founded and for the political system to which the people adhere.

"It is incredible that the Supreme Court could have overlooked, if they read it at all, certain remarks that are contained in his book, on which the Court mainly bases its decision. Myrdal stated that the Constitution of the United States was 'impractical and unsuited to modern conditions' and its adoption was 'nearly a plot against the common people.' This is purely Communist propaganda, which was cited by the Supreme Court, and on which the Chief Justice of the United States based a very far-reaching decision looking to the destruction of our form of government. I have often wondered what was the source of the pro-Communist influence in the Supreme Court.

"Myrdal shows that he did not write this 1,400 page book himself. He hedged himself about with many self-imposed restrictions and 'value premises,' so that the book has no scientific validity, either from the standpoint of biology, sociology, or psychology.

"Myrdal shows that his book was the work of several so-called social experts furnished him by the Carnegie Foundation, of Alger Hiss fame. It would be more in keeping with the facts, if, when Myrdal gave the names of most of these Carnegie Foundation 'social experts,' he had said that they were taken right out of the lists of members of Communist and subversive organizations dedicated to the overthrow of our Constitution and the United States Government, because that is the actual fact.

"If Chief Justice Warren had only taken the time and trouble to refresh his memory from his own State's officially printed report and records of his own administration as governor of his own State, he would have found, and he can still find, the names of these Myrdal 'social experts,' in the fourth report on un-American activities in California, 1948, and the sixth report published in 1951 regular California Legislature, when the Chief Justice was governor of the State of California.

"Certainly Judge Warren cannot claim unfamiliarity with his own State's official reports on such an important subject.

"I shall give 16 names furnished by the Carnegie Foundation as 'social experts' to Gunnar Myrdal, the Swedish 'social engineer,' for the writing of 'An American Dilemma' adopted in full by the Court and their Communist connections according to the official California report, made at the time the Chief Justice was Governor of California.

"The tenor of that book is to the effect that the American form of Government has outlived its usefulness, and that the Constitution of the United States is a plot against the common people of his country. That was the message of the principal authority relied on by the Chief Justice of the United States in this far reaching decision."

Senator Eastland then listed the following 'experts,' who contributed to Myrdal's book and who, according to the official California report were connected with Communist front and subversive organizations.

Here are the names—Frank Boas, W. E. B. DuBois, Alain Locke, Ira Reid, Doxey Wilkerson, Ruth Benedict, Charles S. Johnson, Clark Foreman, Lewis Webster Jones, Rose Nelson, Sterling Brown, Eveline Burns, Thomas Jones, T. Arnold Hill and E. Franklin Frazier.

" 'An American Dilemma' was written in the largest part by American Communist front members, such as E. Franklin Frazier, who contributed 28 portions of the book, and W. E. B. DuBois, who contributed to 82 different portions of the book," Senator Eastland stated.

"Altogether the Communist front members identified with Myrdal's 'An American Dilemma' contributed to 272 different articles and portions of the book officially adopted by the Communist Party and by the Supreme Court as its authority for its racial integration decision of May 17, 1954.

"This same Gunnar Myrdal has recently appeared in the news as directing the staff of the United Nations Economic Commission for Europe in the preparation of a report regarding the foreign operation of the American oil industry. Myrdal's Commission feels that American oil companies 'overcharged' their European customers for Middle Eastern oil, and hinted that some sort of international price control is the indicated remedy.

"The *Saturday Evening Post* commented editorially that Myrdal is a Swedish Socialist. I quote:

" 'In the course of this "monumental work" Myrdal described the adoption of the United States Constitution as "nearly a plot against the common people.' " It asks, 'is Myrdal the best authority a U. N. agency could rely on for a complicated study of the oil industry?' "

"It is a tragic commentary on the intelligence and judgment of the members of the United States Supreme Court that they would override the Constitution on the alleged evidence and opinion of such 'psychological' authority. It is the final indication as to the degree and extent that the Court has been 'brain-washed,' by pressure groups and is willing to sacrifice the people, the Constitution, and established law to Communistic and socialistic dogma and principles," Senator Eastland declared.

These footnotes to this decision will surely make footnotes to history of the United States.

Chapter 15

THE COURT OF LAST RESORT

MANY PEOPLE seem to be shocked at the reaction of Constitutional lawyers and many outstanding Southern leaders to the Supreme Court's decree in the public school segregation cases.

Just because the present Supreme Court has ruled that public school segregation is unconstitutional does not make that ruling correct, either legally or morally.

Those in our country who have pressed for a completely centralized State and for national socialism in America have attempted to give the impression that this edict had legal force in all the activities of life. These people realize that destruction of individuality is necessary for their objective. With them a completely "integrated" society is a means to an end.

It is to their interest to propagate the ideas that "nothing could be done about it"; "the Court has spoken"; "citizens must obey the law," etc.

No decision of the Supreme Court of the United States is entitled any greater moral weight than its context merits. Adoration of official decrees is accorded only in totalitarian countries. If a decision of the Federal Supreme Court is doctrinally correct and in accord with the fundamental law of the Constitution, it carries great moral force. If, on the other hand, it undertakes to announce a rule contrary to the Federal Constitution, contrary to the dual system which is the foundation of the national government, and clearly indicates that the law and facts have been ignored, the Supreme Court is teaching error, and its rulings should be sternly disapproved by both officials and the general public.

Such a decision is not "the law." It is simply an enforceable pronouncement of the Court.

My authority for such a statement is none other than the late Mr. Justice Cardoza, one of the great liberals who served with distinction on the Supreme Court for many years.

In his book, "The Nature of the Judicial Process," he wrote, "Judges have, of course, the power, though not the right, to ignore the mandate of a statute, and render judgement in despite of it. They have the power, though not the right, to travel beyond the walls of the interstices, the bounds set to judicial innovation by precedent and custom. None the less, by that abuse of power, they violate the law."

It is obvious then, that the present Supreme Court of the United States did "violate the law," in the meaning of Mr. Justice Cardoza's definition; it

violated the law of legal precedent, by passing and ignoring five major Federal Supreme Court decisions wilfully. It "violated the law" of legal custom that for seventy-five years gave states the right to have segregated public schools—a right that was approved under the Constitution of the United States and by the rulings of prior United States Supreme Courts.

The Constitution of the United States has not been changed or amended in regard to segregation of the races since the first decision of the Federal Supreme Court in this matter. It has not been changed or amended since the Supreme Court, composed of such outstanding constitutional authorities as Chief Justice Taft and Justices Cardoza, Stone, Brandeis, MacReynolds and Holmes ruled that the Fourteenth Amendment did not prevent the several States from enforcing racial segregation.

Much has been made by proponents of the present segregation edict about Mr. Justice Harlan's dissent in the *Plessy v. Ferguson* case. Yet they invariably fail to mention or acknowledge that in a subsequent segregation case Mr. Justice Harlan wrote the majority opinion, a unanimous one, upholding the Constitutionality of segregation!

The Supreme Court of the United States is not the Court of last resort. The citizens of the sovereign states are the court of last resort. If the citizens of the South are determined to maintain segregation in their schools and in their social order, then their will shall prevail.

It will take courage, courage of the kind our forefathers showed when they signed the Declaration of Independence, the kind of courage they showed at Valley Forge, at Lake Erie, at the Alamo, at Gettysburg and during the Reconstruction Era after the War Between the States.

It will take determination on the part of our elected officials, on the part of the general assemblies of our various states, our governors and individual citizens.

If our political leaders will give their citizens an opportunity to express themselves at the ballot box, as was done in Georgia in the fall of 1954 following the Supreme Court's edict, then this fight will be won.

The Citizens of Georgia, in the general election of 1954 passed a Constitutional amendment by an overwhelming vote. It grants the General Assembly power to appropriate funds for the education of our school children by subsidizing the individual school child, regardless of race, so that the child can attend a private school in the event Georgia's public school system is destroyed by the United States Supreme Court.

Georgia's State Constitution and its appropriation statutes specifically prevent mixed public schools and specifically prevent state funds from being used to support non-segregated schools. If the Court forces its edict on Georgia, the Court itself and not the citizens of Georgia will destroy Georgia's public school system.

When this Constitutional Amendment was proposed during my administration as Governor, the left-wingers, the NAACP, the "race-mixers" and a few misguided individuals put up a real fight. Huge sums of money were used in an all out effort to defeat the amendment. The opponents of the

measure claimed that it would destroy the State's Constitutional public school sysem. The "brain-washers" used all their brilliant writers and sob sisters in an effort to fool the citizens of Georgia into believing that we would have a public school system despite Georgia's Constitution and appropriation laws, if the Court enforced its decree.

But the people of Georgia were not fooled. The people of Georgia refused to sell their birthright. Our citizens, aroused and determined, went to the ballot boxes and passed the amendment.

The citizens of Georgia answered the United States Supreme Court members with a loud, clear voice, "They shall not pass."

The citizens of the sovereign states are the Court of Last Resort. Their decision will be the ruling verdict. I have no doubt what it will be.

Chapter 16

A PLAN OF ACTION

WHAT MAY we as citizens, the real court of Last Resort, do to preserve Constitutional government and our traditional way of life?

The weak and the faint of heart say "there is so little we can do." The conformists declare "The Court has spoken. We must obey." The brain-washers, using their big lie technique, cry, "it's coming, we may as well accept it!"

They are all wrong. We can fight this issue through and we can win the fight. A determined chief executive of a state with the courage of his convictions, supported by a united people, as expressed through a cohesive organization, can prevent the mixing of the races in the public schools and colleges of any state. We have done it in Georgia and will continue to do it as long as the people demand it.

Naturally, we must remember that from here on out, in every election for every important office in the Southern states, we will be voting for or against segregation. There will be other issues, but this will be the primary issue and we must always recognize it.

No candidate will dare advocate publicly the end of segregation. To do so would mean his sure defeat. However, there will a type candidate who will make deals, sacrifice principles and sell us out, while giving lip-service to our cause.

Beware of that candidate!

He is the most dangerous. He is the thief in the night, clothed in garments of sweet lip-service, but whose raiment, we know from costly experience, conceals the deadly dagger of treachery.

The second type candidate will be the one who claims he believes more or less, in constitutional government, States' Rights and segregation, but who is being used by those who would destroy us to split our vote and elect our enemy.

The third type candidate will be one who sincerely, honestly and forcefully believes in Constitutional government, States' Rights and the preservation of our traditional separation of the races, and who is willing to stand up and be counted regardless of the cost.

This is no time for division. We must stand with the candidate who dares fight openly for our cause, who gladly turns his back on the bloc vote, sacrifices the support of some large daily newspapers, and who stands un-

afraid of national magazines, syndicated columnists, network commentators, do-gooders and certain misguided church organizations. He must be a man who has been tried and found not wanting.

United at the ballot, we can elect such a candidate in every election in every Southern state.

Secondly, we must organize as we have never before organized.

Acting with calmness and deliberation, we must form an organization in each state pledged to utilize all legal and lawful means to restore Constitutional government in the country and to reestablish the inalienable rights of the several states and their citizens to govern their own affairs.

The organizations must be composed of outstanding citizens of integrity, patriotism and determination, pledged to the maintenance of harmonious race relations through the preservation of the traditional establishment of segregation in both public and private places.

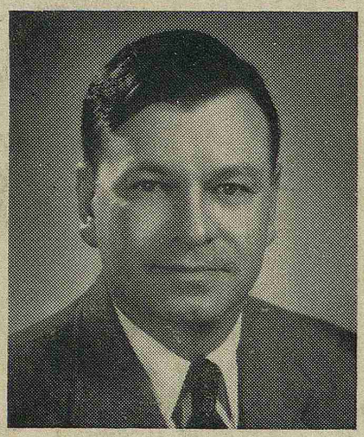
These organizations must be statewide in scope. There must be units in every county. There should be a board of directors or trustees, composed of leaders from various sections of the state. This board should formulate the policies of the organization and all statements and announcements concerning its policies and aims should be issued solely by this body. This will prevent the organization from being used for purposes other than those stated in its charter or by-laws and will keep its services to the people on the highest plane.

These organizations should reject and repudiate the use of force, intimidation or any other unlawful means in the attainment of its objectives. They should embrace a solemn creed dedicated to the preservation of the individual liberties of the American people, free of bureaucratic control and unlawful usurpation of the powers of any branch of the government, and to reestablish the inalienable rights of the several states and the people to govern their own affairs as prescribed in the Ninth and Tenth Amendments to the Constitution as contained in the Bill of Rights.

It has been wisely said that in unity there is strength. And it is only through unity of purpose and action that we can hope successfully to resist the attempts of those who would destroy every vestige of local self-government and the traditions we cherish.

In the ultimate effectiveness of these two courses of action lie our greatest hope to keep America free.

We must not, we shall not fail!



"Talmadge had accepted the leadership of the pro-segregation forces, standing up to the Supreme Court's most momentous decision since Dred Scott."

NEWSWEEK.

HERMAN E. TALMADGE

When the Supreme Court handed down its history-making decision calling for desegregation in our public school systems, the states of the original Confederacy once more found themselves united in the face of mounting pressure from the Federal government to open their public schools to all children regardless of color and to abolish the traditional dual system of education. While the nation waited expectantly, reaction from the South was fast in coming, and the spokesman by acclamation was Georgia's then governor, Herman E. Talmadge.

Well-informed, with a brilliant record as a deliberate and thoughtful administrator, "Hummun" as he is called affectionately by his neighbors, was ready to face this great social issue. His position of defiance to the Supreme Court ruling was positive, and definitely lacking in traditional "Southern prejudice." Here was a spokesman under whose administration, education both white and colored had made enormous strides, and even his harshest critics admitted Talmadge was probably the best Southern governor of his time.

Son of fiery, Gene Talmadge one of the most colorful political figures in history, Herman's extreme popularity in Georgia was not the result of the Talmadge name, but young Herman's brilliant work as the top state administrator. After 52 months of service in the Navy, 32 spent in combat in the Pacific, he returned to Georgia and in 1948 was elected governor for the first time. He was reelected in 1950. Unable to succeed himself as governor under Georgia law, Talmadge is today nevertheless very much in the national scene. His talents as a speaker are in constant demand in the North as well as the South. After his eloquent defense of the South's position on segregation on Meet the Press, this program was chosen the top political program on TV in 1954. Thousands of letters which Talmadge has received bear northern postmarks, and requests for more information about why he believes that desegregation would be bad not only for the South, but for the Nation.

It is a singular tribute to this fearless leader that he would write this controversial book YOU AND SEGREGATION—for the record.

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